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Expanding Gender Non-binary Access in California's Victim Compensation Program

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Author Note

Abstract

Monterey County transgender people do not feel supported seeking services at Monterey County District Attorney's office. Many feel like they are at a higher risk of being victimized, mistreated or discriminated against when seeking services. non-binary people currently have the right to be legally designated as non-binary on their California identification documents, but when seeking services at the DAs office they are not provided that gender option. This creates a negative environment for the transgender community. Many crimes go unreported because of the fear the transgender community has when seeking support and their voices are not being heard. The capstone project focused on creating a non-binary, gender-inclusive environment at the District Attorney's Office where transgender people feel supported and welcomed. This was achieved by working with the California Victim Compensation Board to change the intake form to include a non-binary gender option. The hope is that in the future more non-binary victims will feel comfortable utilizing services.

Keywords: transgender, non-binary, victims of crime

Agency and Communities Served

The United States Attorney's Office created a program called the Victim/Witness Assistance Program. This program ensures that victims of crime are afforded all rights to which they are entitled by law (Victim/Witness Unit, 2019). The Monterey County District Attorney's Victim Unit serves these victims of crime and their families through the process of the criminal justice system. This program gives those who have been victims of a crime to have a voice. The Victims Advocates work side by side with the District Attorneys and law enforcement to ensure the law is not being violated and justice is being served. This program provides a variety of services and resources for victims and witnesses. The advocates at the Victim Unit are trained and qualified workers to assist these victims through the criminal justice process. They are there to provide any assistance and protect the victim's rights.

The Monterey County District Attorney's Victim/Witness Unit's mission is to "promote justice for the victims and to ensure they are treated with dignity, respect, and compassion, and to aggressively and fairly prosecute those who violate the law" (Victim/Witness Unit, 2019). The unit cares and guides victims through the process to ensure their rights are being protected. This program offers crisis intervention, emergency assistance, resource, and referral counseling, direct follow-up counseling, restitution, and many more services. These services are being provided through the California Victim Compensation Board (CalVCB) which is a state program that provides services such as mental health treatment, moving or relocation expenses, reimbursement for any crime-related expenses, income loss and many more. This program is offered in every county to be able to provide victims with services they cannot afford. The

CalVCB program has given many victims the help they need after being victims of a crime and is very much of assistance for those who are low income. The state reimburses victims if they pay out-of-pocket expenses for medical or dental expenses that were related to the crime.

CalVCB is committed to helping all victims of crime and their families to recover from the crime.

The District Attorney's Victim Unit supports social justice by ensuring that the crime victims and survivors are treated with the utmost respect and are exercising their legal rights. There is no age limit to who can apply for the CalVCB program. If the child is under eighteen years of age they have to be accompanied by a parent or guardian. The program does not discriminate against anyone; they accept any race, gender ethnicity or color. If a victim does not speak English, there are Spanish speaking advocates who are there to assist them. The only thing the program asks is for the victim's cooperation because it is very important that the victim is understanding and cooperative so the case can run steady. The program tries to provide as much support to the victim and community to get the justice they deserve (California Victim Compensation Board, 2016).

Problem Definition

The District Attorney's Office in Monterey County is not LGBTQ inclusive in their office for victims of crime. The Victim's Unit, which supports the victims of crime, has not made it welcoming for the LGBTQ community. The language that is being used in the office is not LGBTQ inclusive. Many forms they use for documentation at the District Attorney's office only have a male or female option for gender. As of January 1, 2019, the Senate Bill No. 179 requires that forms have a non-binary category for the gender category. This non-binary category

is for those who do not consider themselves male or female because they feel their assigned birth sex and gender does not match who they really are. This bill was enacted by the Gender Recognition Act because now citizens can obtain any legal documentation with the gender of their choice. There are now given three options for the gender category which are male, female or non-binary (California Legislation Information, 2017-2018). This gives the trans community the option to identify themselves as the gender they identify with. The new bill does not require one to get surgery to identify themselves as a different gender. While this bill is now California law, the District Attorney's office has been late making these changes in the office.

Contributing Factors

A contributing factor that has played a huge role in this problem is the gender binary choices and language that is being used currently at District Attorney's Office for victims of crime are not non-binary inclusive. Many forms including the CalVCB application that are given out to the victims to provide them with services only have the gender option of male or female. The database, Karpel that advocates and attorneys use also only have a male or female option as well. The DA's office has not been giving the LGBTQ community an option to identify themselves with their legal identity. In the forms, they are instructed to include their gender identity as seen on their certificate at birth. The J. Walter Thompson Innovation Group discovered that "80% of 13–20-year-olds, or "Gen Z", believe that gender did not define a person as much as it used to" (Fonseca, 2017). People were given their gender identity at birth with given the option of only male and female. Many now do not identify with the gender they were given and feel so that the gender they now identify with is non-binary.

Another primary factor in this problem is not giving the LGBTQ community an option to identify themselves with a preferred name instead of their legal name. Understanding the circumstances and how important documentation is, it is important to have the option to give a preferred name. Not everyone likes to be called by their first especially those who have changed their appearance to be the opposite sex. Many people from the transgender community identify themselves with a different name that makes them feel more like themselves. It is part of their identity. People are shown to hide their real identity in order to seek services or some do not seek services at all because of their non-binary identity. There was a study shown in a hospital environment about the specific needs of preferred names in the transgender community and they said:

For transgender patients, the preferred name may match their affirmed gender and also be recognizable as of a different gender than the name assigned at birth. The use of preferred name can have a positive customer service benefit in allowing for health-care staff to address the patient in a manner chosen by the patient, whether or not they elect to provide a preferred name. (Imborek, 2017)

This shows that the preferred name is being used more frequently in locations where people get treated and come in for services. They use the preferred names because it works to their benefit when helping a patient. It is a positive outlook for hospitals to welcome patients as it should be for victims who seek services.

Lastly, another primary factor that is contributing to this problem is the staff at the District Attorney's office lacking knowledge of transgender language and terminology. The staff is not using the proper language to service a transgender person. The staff is not

aware of the different terminology for each person that is LGBTQ. The office does not know how to refer to them or talk to them without saying the wrong thing or offending a victim. It is important for law enforcement to be educated about the transgender community they serve so they can be able to better serve them and communicate with them. They need to be able to address sensitivities, stereotypes, and expectations. The National Coalition of Anti-Violence Programs (NCAVP) recommends “the importance of training, in which it notes that a lack of knowledge or awareness may result in negative interactions between officers and transgender communities” (Burke, 2015). Every transgender person needs to be treated with respect and spoken to with the appropriate pronouns. Understanding the proper terminology when referring to a transgender person will help them provide them better service.

Consequences

The victims of crime who are transgender have been less likely to access support as a consequence of this problem. The LGBTQ community in Monterey County do not feel welcomed or supported at the District Attorney’s office. The victims of crime who are non-binary do not seek their services because they believe the staff will judge them for being LGBTQ since the office does not have any forms or flyers that show they are LGBTQ inclusive. For example, if a victim of crime wants to fill out the form online before going to the office; they will see that the gender options have not changed and only has available the female and male option. If a person from the LGBTQ would see this first, theIr is a higher chance that they will not want to come into the office because they don’t have the option to properly identify themselves. This really affects a person

and puts them at risk. A person may rather not seek any support because they fear discrimination. The LGBTQ experience hate crimes and other crimes that involve mistreatment and violence. To avoid more maltreatment they avoid going to the public services that do not have gender binary inclusive. The District Attorney's Office is losing the opportunity to help and support the LGBTQ community.

Another main consequence that is affecting the LGBTQ community is that their crimes are not being reported. They are not being reported because the victims that are transgender are being disregarded and overlooked by law enforcement. Their voices are not being heard. The District Attorney's Office has not made it equal for those who are transgender to get the same legal representation as anyone else. Berkeley Journal of Gender, Law & Justice stated, "No matter how a transgender plaintiff articulates his injury, he is likely to encounter a court that draws a line in a way that makes him a stranger to all of the laws that could protect him" (Lloyd, 2005). This shows how the court treats transgendered individuals, leaving them helpless. They continue to be victims of crime because no one has protected their rights. Law Enforcement has not made it a priority to help the transgender community from being victimized.

Lastly, another consequence of this problem is the higher risk transgender people experience of being victimized. They are more likely to be victimized because of their self-identity than those who deem themselves as male or female. A reason for this can be the way a transgender individual carries themselves by the way they dress, talk or act. People demonize this behavior and outlook because they don't find it normal or acceptable. Some people are very conservative and choose to not be around transgender

people. Not everyone agrees that transgender people are still normal people. This is the common fear transgender person have and always fear of being harassed and victimized. This happens so frequently to them that they rather not confront an individual. They believe that law enforcement will also victimize them for being part of the LGBTQ community. There was a study shown proving discrimination and violence towards those who identified as transgender and gender nonconforming in the United States and found that “ Nearly half (46%) of respondents reported being uncomfortable seeking police assistance. Of those who interacted with police, 2% reported being sexually assaulted by the police, with percentages higher for respondents who identified as Black or Hispanic” (Grant, 2011). This a reason LGBTQ individuals stay away from these services because they fear victimization from people that are supposed to ensure they are treated with respect and dignity like law enforcement.

Problem Model

<p>Contributing Factors Binary gendered choices/language on forms/flyers/brochures/website (materials)</p>	<p>Problem Trans and non-binary people do not feel supported at Monterey County District Attorney office</p>	<p>Consequences Don't access support (CalVCB Funding)</p>
<p>No room to give preferred name (vs legal name)</p>		<p>Voices aren't heard/crimes aren't recognized or reported</p>
<p>Staff lacks knowledge of trans inclusive language, terminology. etc</p>		<p>Higher risk for more victimization</p>

Capstone Project

The purpose of this project is to include the non-binary category on the application for the California Victim Compensation Board. The District Attorney's Office will now have that option on the website to include victims who do not identify themselves as male or female. This will create a more welcoming and safe environment for victims who are non-binary and have been victims of crime. The mission is to ensure that they feel supported and can seek the services when they feel the need to. This will be a transgender-inclusive environment. The District Attorney's Office will service their needs and protect their rights as an individual.

Project Purpose

The purpose of this project is to create a non-binary gender-inclusive environment at the District Attorney's Office where transgender people can feel safe and supported. As of today, there is no record that a transgender person has been helped by this office because the gender option that is given has only given the option of identifying as a male or female. People have not been able to identify themselves as non-binary which means they don't identify as either male or female. Given that option can mean opening doors to the transgender community that has been a victim of a crime. The office will be able to provide them with their legal rights and support them through their criminal cases. This will give the opportunity for those who have not had their cases reported to be able to report a crime that has been done to them and provide them with the services they deserve.

Project Justification

This project has been made to comply with the new bill and to increase victim support at The District Attorney's Office. Studies have shown that adding the non-binary option to support has created a more positive and open environment, especially in hospitals. It has stated that "Using a person's correct pronouns is an important sign of respect" (Thomson, 2017). This has increased the care of transgender people and has gotten better results. People will seek services to those who provide the option to identify themselves for who they believe they describe to be. This project was implemented in D.C. Public Schools where they also believed it would help others understand one's identity before walking in the door, along with helping to avoid difficult situations that will make a person feel uncomfortable (Anderson, 2018). Understanding that students do not want to identify themselves as male or female sends a message across the board. Students are seeking education and victims are seeking support. Both students and victims want people to identify them for who they really are.

Project Implementation

Throughout the final semester at the District Attorney's Office, the activities that have been conducted have been very successful in the implementation of the project. Many individuals from CalVCB have been aware of the need to ensure there is non-binary gender-inclusive language on all forms. Kathleen, the Claim Specialist for CalVCB, agreed to talk to her colleagues about update the CalVCB website to implement the non-binary category. Kathleen became the first point of contact and then Kara became the individual who is working with others from CalVCB to get the category on the website. Kara was the Associate Governmental Program Analyst that was the second point of contact. She knows the importance of this project and knows there is a deadline for when it has to be done. Kara was going to

receive data on applicants who have written in that category before the category was available on the website. The website will have the non-binary category added in December. Follow up emails have been sent every week to answer questions and to update each other with new information.

Assessment Plan & Expected Outcomes

The project will be measured very soon since the non-binary category has been available for a couple of days on the CalVCB website for the CalVCB application. Applicants will now be able to choose their gender identity to which they describe themselves. Data will be retrieved as every entry is submitted. This data will be going to the California State Capital that withholds all the information of the victims who apply for the CalVCB. They will accumulate sufficient data to identify the numbers of victims who have identified as non-binary. Then it will be documented so that the District Attorney's Offices can see how much victims they have gained by adding the non-binary category.

The transgender victims will benefit from this change because it will make it more accessible for victims to obtain services that will help them recover from the crime. The CalVCB website has successfully input the non-binary category in English and Spanish applications and soon to be in all languages. The numbers will begin to rise and justice will be served for the transgender victims. The rights of non-binary people will be protected and will be enforced so they get the same equal opportunity as males and females. Transgender people will no longer face discrimination in the District Attorney's Office Victim/Witness Unit. The victims will be more compliant in seeking services and talking to law enforcement officials. The environment will now be more welcoming. It is expected for next year to have the database Karpel update for

victim advocates and attorneys to have the non-binary category in the database so they can be legally identified as they have on their legal documents.

Project Results

On January 1, 2019, through November 11, 2019, the gender options that were selected at that time on paper were female, male, non-binary and not specified. Statistics from CalVCB showed that 27,920 (63.20%) were female 15,847 (35.87%) were male, 14 (0.03%) were non-binary and 395 (0.89%) were not specified which were a total of 44,176. This shows that there were more people who chose wedc males and females. Those who chose non-binary and not specified had to write in that gender category. Since the category was not there it is proven that fewer people will identify themselves as non-binary or not specified because that category is not provided. As of November 25, 2019 victims were given the choice on the CalVCB website to choose non-binary or not specified as their legal gender identity. Now, CalVCB will be able to collect data of the entries that choose non-binary and not specified.

Conclusion & Recommendations

In conclusion, this project has been successfully completed and the non-binary category has been added to the CalVCB website for all victims to access. It has been an amazing accomplishment to have this new category added to the gender option. Now, it will be more accessible for all victims to choose their gender option to what they feel identifies more with who they are. This has given all victims equal access to legally document their gender identity with the correct category. The District Attorney's Office will now have the same access to input the non-binary category in the application. This should open more doors to the Victim/Witness Unit to advocate for those who are non-binary.

The District Attorney's Office should provide training to all staff in language terminology for LGBTQ victims and guests. This will benefit all staff to communicate better with all LGBTQ individuals who come to seek services. The language that is used to communicate with LGBTQ individuals is very different than when communicating with a male or female. Staff needs to be very careful with the terms they use because they can offend an individual without any intention. LGBTQ individuals often feel targeted when people use words that don't apply to them. People come to assumptions they are a male or female by how they look. Often times people assume a person is LGBTQ by how they are dressed or by their tone of voice and those individuals get offended. If the staff becomes more aware and educated there will not be any barriers in the office and the staff will be able to provide the high-quality service they know-how.

In addition, the District Attorney's office can make all forms that are given out to victims non-binary gender-inclusive to distance from all barriers and make it a more welcome environment. People who walk into the office love to grab brochures and read them while waiting or love to take them home to read. The brochures grab people's attention and can be a way to inform them about the new change the office has done to make it gender-inclusive. This can help spread the word to friends and families who are LGBTQ. More awareness will be spread.

Lastly, my final recommendation for the District Attorney's Office is to send a mass email to all employees District Attorney's Office informing them about the new non-binary category being added to gender options on the CalVCB website. This is very important information all employees should be informed about because it has to do with legal

documentation of victims. This legal documentation of gender identity not only gives victims the right to identify themselves as non-binary but can give the opportunity to anyone in the office to legally change their gender identity. Many do not know about the new bill that grants them the opportunity to legally change their gender identity and now everyone will have the same opportunity.

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Appendix A

Task	Activities	Timeline/Deadlines
Meet with Victim Assistance Program Manager	Agree on the project	April 9, 2019
Review CAL VCB form	Take what is missing	April -May 2019
Understand the bill with the new non-binary option	Inform directors and advocates about the new law and why it is important	April -May 2019
Contact CAL VCB director Kathleen	Schedule a meeting	September 12, 2019
Scheduled a follow-up meeting to implement gender category on the website	Get approval on the gender option to be added on the form	September 18, 2019
Contact Karpel Director to discuss my capstone project	Inform about project	October 23, 2019
Schedule a meeting with Karpel director	Discussing possible options for the non-binary gender	October 24, 2019
CalVCB website application updated with non-binary category	Have advocates input data for non-binary gender choice in system	November 10, 2019
Karpel website updated with non-binary category	Have advocates input data for non-binary gender choice in system	November 10, 2019
Gather data from CalVCB and Karpel	Read statistics on how many have already categorized themselves as non-binary	November 15, 2019
Create a chart with all the data collected	To show the accurate data of victims who had to seek services	November 22, 2019
Forms will be printed out to give out to victims	Everyone will be educated on the new gender option and will be able to assist a transgender victim	December 2019