

KNOW YOUR RIGHTS

Hate Crimes & Violence Prevention

The fear of discrimination and exclusion are not the only worries faced on a day-to-day basis by the LGBT community. Many LGBT individuals worry for their personal safety and lack the knowledge of what are the appropriate steps to take if they became a victim of violence. The truth is that crimes against LGBT people happen each day, leaving survivors unsure of what to do next. This fact sheet has been designed to outline the laws which may protect you and services which can assist you. **Do you know your rights?**

What are my protections when it comes to hate-motivated violence on the basis of sexual orientation or gender identity at the federal-level?

Federal Protections

Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act ([18 U.S.C. § 249](#))*

- Under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, the Department of Justice authority to investigate and prosecute violent crimes when the victim is selected because of his or her actual or perceived race, color, religion, national origin, gender, **sexual orientation, gender identity** or disability. In addition, it enables DOJ to aid state and local jurisdictions with investigations and prosecutions of bias-motivated crimes of violence. ([HRC Resource](#))
- The law also requires the Federal Bureau of Investigation (FBI) to track statistics on hate crimes based on gender and gender identity, and hate crimes committed by and against juveniles (statistics for the other categories, including sexual orientation, were already tracked as a result of the Hate Crimes Statistics Act and its subsequent updates). The FBI uses these statistics for its annual Hate Crimes Statistics Report, which can be viewed [at www.fbi.gov](http://www.fbi.gov).
- It should also be noted that the Hate Crimes Prevention Act **DOES NOT Protect Individuals From:**
 - non-violent hate crimes
 - hate crimes committed solely against one's property

**non-violent or property hate crime occurs in a state, it must be prosecuted under that state's hate crimes law — if such a hate crimes law applies or exists. (not applicable to South Carolina)*

Prison Rape Elimination Act (PREA) ([Public Law 108-79](#))

- The Prison Rape Elimination Act (PREA) Standards are a comprehensive set of federal rules that address all aspects of a facility's operations as they relate to preventing, detecting, and responding to abuse.
- The members of the LGBT community are among those particularly at risk for sexual abuse, which was addressed by the US Department of Justice final regulation in May of 2012.
- For more information regarding these final regulations, check out NCTE's resource guide: [LGBT People and the Prison Rape Elimination Act](#)

Violence Against Women Act (VAWA)

- ([Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355](#))
- The Violence Against Women Act “enhances the investigation and prosecution of violent crimes against women, which through the [Office on Violence Against Women \(OVW\)](#), administers financial and technical assistance to communities across the country that are developing programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking.”
- As of 2013, any program receiving DOJ or Department funds are prohibited from discriminating against recipients based on **sexual orientation** or **gender identity** among other enumerated protected classes. ([Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013](#))



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State Protections & Resources

- South Carolina currently does not have any existing statues which will protect LGBT individuals in the areas of hate crimes protection of LGBT domestic violence, however there are resources available to LGBT individuals and their families.

At the state and local-level, what resources are available to me, if I feel I have been the victim of hate-motivated? Are there any services available to me as an LGBT individual in the area of interpersonal domestic violence?

SCCADVASA Victim's Assistance *

- [The South Carolina Coalition Against Domestic Violence and Sexual Assault \(SCCADVASA\)](#) is a statewide coalition made up of the 23 domestic violence and sexual assault advocacy programs in South Carolina. Since 1981, SCCADVASA has been a leader in representing the critical needs of survivors and their families.
- SCCADVASA is currently working SC Equality's TransAction make [these listed resources](#) more Trans-inclusive.

Local-Level Protections & Resources

Richland County - Victim's Assistance *

- Richland County Sheriff Department (*Richland County residents only*): Gay and Lesbian Liaison Officer (GLLO), this investigator serves as a point of contact for members of the gay, lesbian, bisexual and transgendered persons who are victims of crime.
- "The Richland County Sheriff's Department is dedicated to the principle that all persons in Richland County will be provided equal protection under the laws of this state, and the federal government as well as any ordinances set forth by the Richland County Council. It is the goal of our department to treat all victims of crime with compassion and respect, ensuring that their dignity is maintained and to promote healing of the suffering they may have endured. No victim of crime will be turned away for any reason or discriminated against based on sex, race, religion, social or economic status, sexual orientation, age, or mental or physical disability."
- Call (803) 576-3462 or visit: <http://www.rcsd.net/inv/vicassistance.htm> for the extensive list of resources provided by the Victim's Assistance Unit

LGBTQ Interpersonal Violence Task Force

- The LGBTQ IVP Task Force, an initiative championed by the Harriet Hancock LGBT Center, "provides education, marketing, and a support group for the community to strengthen positive and healthy relationships within the LGBTQ community and provide services to members of the community who find themselves in need of direct services when experiencing interpersonal violence." Learn more on their website - <http://lgbtcentersc.org/relationships/>
- If you are interested in attending a support group with other survivors and learning how you can protect yourself from further violence, please call the 24 Hour Service Line, (803) 926-4948, for group information please contact IPVSupportGroup@LGBTCenterSC.org.

