

Florida Experts Debunk The Transgender “Bathroom Predator” Myth

Opponents of Jacksonville’s LGBT-inclusive Equal Rights Ordinance warn that non-discrimination protections threaten women’s safety in public restrooms. But experts -- including law enforcement officials, government employees, and advocates for sexual assault victims -- from 12 different Florida cities and counties with similar non-discrimination ordinances debunk the “bathroom predator” myth, citing empirical evidence and experience working with sexual assault victims.

Jacksonville Is The Site Of The Next Major Fight For Transgender Non-Discrimination Protections

Jacksonville Will Decide Whether To Expand Non-Discrimination Protections To LGBT People. The Jacksonville Mayor’s Office and City Council are considering expanding the city’s non-discrimination protections to prohibit discrimination in housing, employment, and public accommodations on the basis of sexual orientation or gender identity:

Jacksonville will soon decide if it will extend protections to the LGBT community as the Mayor’s Office, City Council and the public begin to seriously discuss extending those protections for the first time since 2012 when a similar ordinance failed by one vote. [*Jacksonville Business Journal*, [12/1/15](#)]

Opponents Falsely Claim That LGBT Non-Discrimination Protections Would Allow Sexual Predators To Sneak Into Public Restrooms. In an op-ed opposing the proposed Jacksonville Human Rights Ordinance, Roger Gannam, senior litigation counsel for the anti-LGBT group Liberty Counsel, claimed that the ordinance would cause male sexual predators to pretend to be transgender to gain access to women’s bathrooms:

Most insidiously, male predators will use the legal cover of female “identity” to gain unchallenged access to women-only bathrooms and dressing rooms. The ordinance would thwart the foremost moral obligation of parents: To ensure the safety of their children. [*The Florida Times-Union*, [12/8/15](#)]

Opponents Used Similar Talking Points To Defeat LGBT Non-Discrimination Protections In Houston. In November, voters in Houston rolled back an existing LGBT non-discrimination ordinance after opponents similarly warned the measure would allow sexual predators to sneak into women’s restrooms by pretending to be transgender:

The first major gay rights showdown since Houston’s rancorous vote to repeal its anti-discrimination ordinance is shaping up here in Jacksonville, the largest city in the nation whose leaders have never enacted civil rights protections for gay, lesbian, bisexual and transgender people.

[...]

Inside a standing-room-only hall, where a five-member panel took questions from a moderator and then the audience, the ripple effects of Houston — where opponents’ rallying cry was “No Men in Women’s Bathrooms” — were clear.

“It’s a fact of life that predators attack women and children in bathrooms; it happens everywhere,” said one panelist, Roger Gannam, a lawyer and former Jacksonville resident who represents Kim Davis, the Kentucky clerk jailed for refusing to issue marriage licenses to same-sex couples. He drew jeers when he said an anti-discrimination law “will make that easier” by allowing male criminals to pose as transgender. [*The New York Times*, [11/28/15](#)]

Florida Cities And Counties With Similar Non-Discrimination Laws Disprove The “Bathroom Predator” Myth

***Media Matters* Contacted Officials In Cities And Counties With Similar Non-Discrimination Laws.**

Media Matters contacted city officials, law enforcement officials, and advocates for sexual assault victims in Florida cities and counties with similar non-discrimination laws in place, and asked:

Has [CITY/COUNTY]’s LGBT non-discrimination ordinance resulted in increased sexual assault or rape in women’s restrooms? Has [CITY/COUNTY] seen any examples of a man pretending to be transgender in order to sneak into a women’s public restroom?

Atlantic Beach

Atlantic Beach Has Prohibited LGBT Discrimination Since 2014. In August 2014, Atlantic Beach passed a Human Rights Ordinance prohibiting discrimination based on sexual orientation and gender identity in places of public accommodation. [*The Florida Times Union*, [8/11/14](#)]

Atlantic Beach City Manager States No Bathroom Incidents Since Adopting Human Rights Ordinance.

Atlantic Beach City Manager Nelson Van Liere said that none of the incidents as described by *Media Matters* had occurred since the ordinance passed:

To the best of my knowledge, no activities such as those you describe below have occurred in Atlantic Beach in relation to our HRO have occurred since our ordinance passed. [Email to *Media Matters*, 12/2/15]

Atlantic Beach Police Department Reports No Increase In Sexual Assault Or Bathroom Incidences.

In response to a *Media Matters* inquiry, Commander Tiffany Layson of the Investigations and Support Services Divisions in the Atlantic Beach Police Department reported no increase in sexual assaults in women’s restrooms or incidences of men pretending to be women to sneak into bathrooms since the passage of the Human Rights Ordinance:

In response to your questions:

Has Atlantic Beach's LGBT non-discrimination ordinance resulted in increased sexual assault or rape in women's restrooms? No, we have not seen any increase in sexual assaults in women's restrooms.

Has Atlantic Beach seen any examples of a man pretending to be transgender in order to sneak into a women's public restroom? No, we have not had any reports of this occurring. [Email to *Media Matters*, 12/7/15]

Broward County

Broward County Has Prohibited LGBT Discrimination Since 2008. In 2008, the Broward County Board of County Commissioners voted to expand the Broward County Human Rights Act to include gender identity of expression as a protected class, thereby prohibiting discrimination based on sexual orientation or gender identity in places of public accommodation. [Broward.org, accessed [12/9/15](#)]

Assistant Broward County Attorney "Unaware" Of Any Incidents. Responding to a *Media Matters* inquiry, Assistant Broward County Attorney Adam Katzman stated that the county's Risk Management Division was unaware of any incidents in bathrooms occurring in Broward County facilities:

After checking with our risk management division I am unaware of any incidents, as you describe below, occurring at a Broward County facility. [Email to *Media Matters*, 12/8/15]

Dunedin

Dunedin Has Prohibited LGBT Discrimination Since 2009. In 2009, the Dunedin City Council expanded its existing non-discrimination ordinance to prohibit discrimination based on sexual orientation and gender identity in public accommodations. [*Tampa Bay Times*, [6/6/09](#)]

City Director Of Risk Management States No Knowledge Of Sexual Assault Related To Non-Discrimination Ordinance. Theresa Smalling, Director of Human Resources and Risk Management for the City of Dunedin, stated that she was unaware of any reports of sexual assault stemming from the non-discrimination ordinance:

To my knowledge, there have not been any complaints or reports of sexual assault that are related to the City of Dunedin's non-discrimination ordinance.

Our City Commission is not only vigilant about ensuring that the civil rights of all our citizens and visitors are protected, but also that we provide a safe environment throughout Dunedin, especially in our public areas. Any reports of the behavior that you describe below would definitely have been cause for them to revisit the ordinance; to my knowledge this has not happened. From my own experience in the field of human resources, the typical rapist does not

use a pretext such as pretending to be transgender to commit sexual assault. [Email to *Media Matters*, 12/15/15]

Gulfport

Gulfport Has Prohibited LGBT Discrimination For A Decade. Since 2005, the city of Gulfport has prohibited discrimination based on sexual orientation and gender identity in places of public accommodation. [Transgender Law and Policy Institute, accessed [12/2/15](#)]

Mayor Of Gulfport Reports No Problems Since Passing LGBT Protections. Mayor Sam Henderson stated that Gulfport has “not detected” any problems with men pretending to be women to exploit non-discrimination protections since the passage of Gulfport’s LGBT inclusive ordinance:

[S]ince passing the human rights ordinance, we have not detected any of the problems that you mentioned. [Email to *Media Matters*, 12/2/15]

Gulfport Chief Of Police Reports “No Complaints.” In response to a *Media Matters* inquiry, Gulfport Police Department Chief of Police Robert Vincent stated that the city had received no complaints of men pretending to be women to sneak into women’s restrooms and commit sexual assault as described by *Media Matters*:

We have received no complaints of the nature you have described. I should point out, however, that we would be limited in terms of our response if the complaint were merely that a transgendered individual was using the “wrong” restroom. Gender identity and expression are protected under our ordinance, and police would have no authority to prohibit people from using whichever restroom they choose based on their identity or expression at the time. In order for the conduct to be considered illegal, there would have to be an actual and overt act, such as an assault or video voyeurism, for example. [Email to *Media Matters*, 12/7/15]

Gainesville

Gainesville Has Prohibited LGBT Discrimination Since 2008. In 2008, Gainesville added gender identity protections to its anti-discrimination ordinance. The protections were affirmed in a 2009 referendum, which failed to overturn the non-discrimination protections for LGBT people in places of public accommodation. [Ballotpedia, accessed [12/4/15](#); *The Gainesville Sun*, [2/24/08](#)]

Gainesville Police Department Cannot Recall “Any Incidents Related To The Ordinance.” Officer Ben Tobias, Public Information Officer and Department Spokesman for the Gainesville Police Department, reported that the department could not recall any incidents related to the city’s LGBT protections.

I have asked around, and none of us can remember any incidents related to the ordinance. I have been with GPD since 2005 and actually worked in the downtown area in 2008 when the ordinance came into existence. [Email to *Media Matters*, 12/4/15]

Hillsborough County

Hillsborough County Has Prohibited LGBT Discrimination Since 2014. In 2014, Hillsborough County expanded its existing human rights ordinance to add protections based on gender identity and sexual orientation, thereby prohibiting LGBT discrimination in places of public accommodation. [*The Tampa Tribune*, [12/1/14](#)]

Crisis Center Of Tampa Bay Reports No Incidents Of “Man Dressed As Woman” Assaults, Calls Argument A “Scare Tactic.” The Crisis Center of Tampa Bay, a rape crisis center for Hillsborough County, stated that the Center had not seen a single instance of a man pretending to be a woman in order to commit sexual assault, calling the argument a “scare tactic”:

Since Hillsborough County amended the Human Rights Ordinance to protect against discrimination on the basis of sexual orientation and gender identity, we have not seen a single instance in which a survivor of sexual violence has reported that a man dressed as a woman assaulted her in a public restroom. Perpetrators of sexual violence always find a way to perpetrate, in spite of laws against rape. The fact is, a perpetrator does not have to dress as a woman to seek out his victims. There are literally hundreds of opportunities every day for perpetrators of sexual violence to victimize a woman. If the opposition to transgender equality truly fears sexual violence, their time and resources would be better spent on increasing the prosecution and conviction rate of perpetrators, sexual violence prevention, and sex offender treatment. The argument that by protecting this minority group we will create opportunity for sexual violence is a scare tactic, based on no empirical evidence, with the sole purpose of maintaining the shameful practices of discrimination of the LGBT community. [Email to *Media Matters*, 12/3/15]

Hillsborough County Equal Opportunity Administrator States No “Cases Related To Transgender Issues In Bathrooms.” In response to a *Media Matters* inquiry, Albert Coleman, Equal Opportunity Administrator and Community Liaison for Hillsborough County’s Office of Community Affairs, stated that the office had not received any cases related to sexual assaults in in bathrooms:

We have not received any cases related to transgender issues in bathrooms or sexual assaults.
[Email to *Media Matters*, 12/9/15]

Leon County

Leon County Has Prohibited LGBT Discrimination Since 2010. In 2010, Leon County passed a Human Rights Ordinance prohibiting discrimination based on gender identity and sexual orientation in places of public accommodation. [WCTV, [5/12/10](#)]

Leon County Sheriff's Office Finds No Reports Of Men Pretending To Be Transgender. After doing research in response to a *Media Matters* inquiry, Leon County Sheriff's Office Public Information Officer Lieutenant Grady Jordan found no incidents of men pretending to be transgender to sneak into a women's restroom:

I have do[ne] some research regarding your below request.

1. "Has Leon County's LGBT non-discrimination ordinance resulted in increased sexual assault or rape in women's restrooms?" There is no mechanism in place at this time to track that data.
2. "Has Leon County seen any examples of a man pretending to be transgender in order to sneak into a women's public restroom?" At this time we have not located any reports documenting a[n] incident of this nature. [Email to *Media Matters*, 12/7/15]

Miami-Dade County

Miami-Dade County Has Prohibited LGBT Discrimination Since 2014. In 2014, Miami-Dade County expanded its existing human rights law to include gender identity, thereby prohibiting discrimination based on sexual orientation and gender identity in places of public accommodation. [*Miami Herald*, [12/2/14](#)]

Miami-Dade County Mayor's Office Reports No Knowledge Of Increased Sexual Assaults In Women's Restrooms. In response to a *Media Matters* inquiry, Mike Hernandez, Director of Communications for Miami-Dade County Office of the Mayor, stated that the office had no knowledge of increased sexual assaults in women's bathrooms or men pretending to be women to sneak into women's restrooms since passing the ordinance:

Mayor Gimenez and a majority of the 13-member Miami-Dade Board of County Commissioners disagreed with opponents who argued - quite vocally in our public hearings on the matter - that adding "gender identity" to our local ordinance would open the door to sexual predators entering bathrooms pretending to be transgender, among other potential issues that were raised.

To our knowledge, Miami-Dade County has not experienced an increase in sexual assaults or rape in women's restrooms since the passing of the new ordinance or as a result of it. Nor do we have any knowledge of men pretending to be women to enter women's restrooms.

Miami-Dade County is a welcoming and inclusive community of 2.6 million residents. We believe a majority of our residents supported and welcomed amending our ordinance to provide greater protections for transgender individuals. [Email to *Media Matters*, 12/9/15]

Miami-Dade Police Department Special Victims Bureau Found No Evidence Of Men Sneaking Into Women's Bathrooms. Detective Marjorie Eloi with the Public Information and Education Bureau Media

Relations Section of the Miami-Dade Police Department said that the department's Special Victims Bureau had no crimes indicating men sneaking into women's bathrooms to commit sexual assault:

According to our Special Victims Bureau we do not have any crimes indicated that pertain to the requested information. [Email to *Media Matters*, 12/14/15]

Monroe County

Monroe County Has Prohibited LGBT Discrimination For Over A Decade. In 2003, Monroe County Commission expanded its non-discrimination law to prohibit discrimination based on gender identity in public accommodations. [Transgender Law & Policy Institute, [4/16/03](#)]

Domestic Abuse Shelter Of Monroe County CEO Reports No Apparent Increase In Sexual Assaults From Non-Discrimination Ordinance. Venita Garvin, Chief Executive Officer of Domestic Abuse Shelter of Monroe County, stated that it "does not appear" that the county's LGBT non-discrimination ordinance has increased sexual assaults in women's restrooms:

Via my work as the Chief Executive Officer of an organization that serves individuals that are victims of domestic violence and sexual assault in Monroe County, Florida, it does not appear that Monroe County's LGBT non-discrimination ordinance has resulted in increased sexual assault or rape being experienced in women's restrooms. The Florida Department of Law Enforcement for 2014 reports that 2 forcible rapes occurred in Monroe County, Florida, 2 forcible rapes in the City of Key West, Florida and 2 forcible rapes in the City of Marathon, Florida. While the FDLE report does not state where the rapes occurred, again it does not appear that these rapes garnered public attention stating that a man pretended to be transgendered so that he could enter into the public restroom for women to engage in sexual predatory behavior or acts.

There is no "typical perpetrator" of sexual violence. Offenders come from all walks of life. They can be male or female of any race, age, or culture. Perpetrators include people of every sexual orientation, occupation, and social position. Some common factors among sexual predators include what can be deemed abnormal sexual arousal or preferences, social and intimacy shortcomings, and history of maltreatment in their lives. While not always the case, sexual predators tend to know their victims or have had access to their victims before engaging in the sexual predatory act. [Email to *Media Matters*, 12/14/15]

Orange County

Orange County Has Prohibited LGBT Discrimination Since 2010. Orange County has prohibited discrimination based on sexual orientation and gender identity in places of public accommodation since 2010. [Equality Florida, [11/23/10](#)]

Orange County Sheriff's Office Reports No Increase Of Sexual Assaults In Women's Bathrooms Or Men Pretending To Be Transgender. In response to a *Media Matters* inquiry, Captain Angelo L. Nieves of the Office of Media Relations in the Orange County Sheriff's Office checked the county's legal office, sex

crimes unit, and records section and found no evidence of increased sexual assaults in women's bathrooms or men pretending to be transgender since passing the LGBT non-discrimination ordinance:

I reviewed the Orange County Ordinance you have cited and have checked with our legal office, sex crimes unit and our records section and have not located any responsive record regarding your question, as to:

1. "... increased sexual assault or rape in women's restrooms? "

No

2. "Has Orange County seen any examples of a man pretending to be transgender in order to sneak into a women's public restroom? "

No

[Email to *Media Matters*, 12/10/15]

Orlando

Orlando Has Prohibited LGBT Discrimination Since 2014. For over a year, Orlando has prohibited discrimination based on sexual orientation and gender identity in places of public accommodation. [*Orlando Sentinel*, [8/11/14](#)]

Orlando Sex Crimes Division Does "Not Have Any Reported Incidents" Of Bathroom Crimes. In response to *Media Matters* inquiry, Orlando Police Department Public Information Officer Sergeant Wanda Ford stated that the department's sex crimes division had no incidents of men pretending to be transgender to sneak into the women's restroom:

Referenc[ing] your questions, I asked our sex crimes division and they do not have any reported incidents. Recently, one of our lieutenants participated in a leadership training that addressed our Transgender policy and leadership in a changing America. [Email to *Media Matters*, 12/2/15]

Palm Beach County

Palm Beach County Has Prohibited LGBT Discrimination Since 2007. Palm Beach County has prohibited discrimination based on sexual orientation and gender identity in places of public accommodation since 2007. [Palm Beach County Human Rights Council, accessed [12/3/15](#)]

Palm Beach County Sheriff's Office: "We Have Not Experienced A Problem" With Assaults In Bathrooms. Teri Barbera, Media Relations Bureau Director for Palm Beach County Sheriff's Office reported that the county has not experienced any problems with sexual assault in women's restrooms:

We have not experienced a problem with anyone being sexual assaulted or raped in a women's restroom in the jurisdiction of the Palm Beach County Sheriff's Office. [Email to *Media Matters*, 12/2/15]

Palm Beach County Victim Services Unit Unaware Of Increase In Assaults In Bathrooms. In response to a *Media Matters* inquiry, a spokesperson for the Palm Beach County Victim Services Unit stated that they were not aware of any men pretending to be women to sneak into restrooms or increase in sexual assaults as a result of the county's non-discrimination ordinance:

[W]e are not aware of any increase of rape in women's restrooms and we are not aware of any man pretending to be transgender in order to sneak into a women's public restroom. However, the latter may not come to our attention in such a large county. [Email to *Media Matters*, 12/7/15]

Palm Beach County Assistant County Administrator Reports No Bathroom Incidents. Brad Merriman, Assistant County Administrator for Palm Beach County, reported that the County government has not experienced any of the bathroom incidents *Media Matters* inquired about:

I have reviewed your questions with our Human Resources office and our Office of Equal Opportunity. They have advised me that Palm Beach County government has not experienced any incidents of the type that you inquired about. [Email to *Media Matters*, 12/10/15]

Experts In Other States Have Previously Debunked The Bathroom Myth

Experts In 15 Other States Have Previously Debunked The Transgender Bathroom Myth. Law enforcement officials, victims' rights advocates, and human rights commission officials in states and localities with transgender non-discrimination protections have debunked the claim that sexual predators will exploit non-discrimination laws, calling it "beyond specious." [*Media Matters*, [3/20/14](#)]

Experts In Major Texas Cities Reject The "Bathroom Predator" Myth. Experts in Austin, Dallas, and El Paso that prohibit discrimination against transgender people have dismissed the claim that such protections can be exploited by sexual predators. [*Media Matters*, [10/15/15](#)]