



**April 20, 2018**

**Comments for Hearing on Civil Rights in California's Central Valley  
California Department of Fair Employment and Housing**

Good afternoon. My name is Jan Hefner, my pronouns are she, her, and hers. I am the Executive Director at The Center for Sexuality & Gender Diversity in Bakersfield. Thank you for the opportunity to discuss civil rights discriminations of LGBTQ+ people in the Central Valley.

I want to give you some background about Bakersfield and our Center. Kern County is a large, rural and politically conservative county at the south end of California's Central Valley. Kern voters have overwhelmingly endorsed conservative candidates for national and statewide office in every election for the past fifty-plus years. Seventy-five percent of Kern County voters supported Proposition 8 in 2008. Twenty-three percent of Kern's residents live in poverty, and 52% are Latino.

The U.S. Census Bureau estimates the population of Kern County to be 893,119 in 2017. A Gallup poll conducted in 2016 shows that 4.1% of Americans identify as LGBT. This estimates Kern's LGBTQ population at over 36,000 people. LGBTQ persons living openly in Kern have, for many years, endured an unwelcoming place to live, work and play. Crimes of violence, including murder, against LGBTQ victims over the past 30 years have prompted many residents to stay closeted to all but the nearest of friends and family.

I'm a native of Bakersfield, and I remember all too well when the murders started. At least eight murders of gay men were recorded between 1978 and 2002. Most were closeted but prominent in the larger community due to their wealth and/or business connections, and their murders were extensively covered by local news organizations. Few murder convictions resulted from these crimes, due in part to defense attorneys putting the victims' lifestyles on trial.

One defendant, prominent businessman William Robert Tyack, was angered that two gay men had become his neighbors in 1981. According to testimony at his murder trial, Tyack told friends that he would kill the men if he was given the chance. A few weeks later, he did just that, shooting and killing Jack Blankenship and Sidney Moses Wooster on a dark mountain road. Tyack claimed at trial that he was afraid the two unarmed men were going to attack him. A jury acquitted Tyack on one murder charge, and convicted him only of involuntary manslaughter on the other death. The verdict resulted in a protest near city hall, where dozens of LGBTQ persons attended with paper bags over their heads to retain their anonymity for fear of retaliation.

After the 1984 Tyack trial and another in the same year with a similar outcome, a Glendale attorney visited Bakersfield on behalf of the California Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence to investigate whether the Bakersfield judicial system was shortchanging LGBTQ victims of violent crimes. This visit helped inspire the creation of county civil rights commissions throughout California.

Kern County had minimal changes in the years following these terrible murders. Then, in 2010, we first heard the name Seth Walsh. He was a bright, creative 13-year-old gay boy living in Tehachapi, a city in eastern Kern County. Seth was bullied starting in fourth grade. After he came out a few years later, the bullying escalated and continued at school and in his neighborhood. Teachers and administrators at his junior high were told of the bullying, but failed to investigate or take action to stop it. On September 19, 2010, Seth's mother found him hanging from a backyard tree. He died ten days later after being removed from life support. California's anti-bullying statute, Seth's Law, enacted in 2012, was named in memory of Seth Walsh.

It was Seth's suicide that prompted David Trujillo, a gay man who had benefited from having the LA Center in his youth, to rally a group of friends to establish a Center in our community. The Gay & Lesbian Center of Bakersfield opened November 11, 2011.

Our community has experienced additional tragedies since opening: the 2015 murder of Jasmine Sierra, who was misgendered and deadnamed by the police officers investigating her still-unsolved murder. The suicide of 19-year-old Jai Bornstein, a transgender woman in December 2016, further rocked the community.

The Center changed our name in late 2017 to The Center for Sexuality & Gender Diversity so that our name can better reflect the full community that we serve. We have established services to specifically support our trans and bisexual+ friends, since they are the most marginalized members of the full LGBTQ+ community. Our services now include education for members of our community about their rights in a variety of areas, and cultural competency trainings to law enforcement, medical and mental health providers, and other businesses and organizations about how to provide affirming service to LGBTQ+ people. We are providing preventive and early-intervention counseling services to individuals to help build confidence and self-esteem, so that they are better equipped to face the stressors they encounter in their daily lives. Our actions are part of a long-term goal to make our community of Kern County more affirming to LGBTQ+ people.

In my seven-year involvement at The Center (the last two as Executive Director), I've heard many stories of discrimination in the workplace and in housing from people in our community. People have lost their jobs and homes or have been denied accommodations. A Kern County transgender woman, a skilled and fully-employed person before her

transition, has been unable to find work since her transition. Homeless gay men have felt unable to “come out” to fellow residents and staff at the only homeless shelter for men because staff members openly expressed a belief that being gay is immoral. A trans woman was harassed by staff at the other shelter about her appearance. A gay man endured repeated physical threats from a neighbor, even having shots fired into his house, and law enforcement did nothing. A disabled trans veteran was threatened with beating and chased from his home by neighbors. He fled to a rural setting and is terrified about coming out to his new neighbors.

These are only some of the actual occurrences, because so many LGBTQ+ people don’t file reports or pursue justice. Inaction usually comes because the victim is certain that nothing will change, or that they will be in greater danger if they speak out. Too often, if LGBTQ+ people can pass as straight and cisgender, they often live a lie in order to avoid harassment.

LGBTQ+ people experience higher rates of mental illness vs the general population, including depression, anxiety, thoughts of suicide, and substance abuse. Discriminatory and hateful behavior exhibited daily make LGBTQ+ persons feel as if they are living in hostile territory. These factors contribute to an individual’s unwillingness to step forward and file a complaint.

Most people I’ve talked to are not clear about how to even file a complaint and feel it is an onerous process. It can be confusing to determine which state agency has jurisdiction over their particular issue. One person I spoke with sought assistance in Los Angeles County to file a complaint about discrimination while in a local hospital. The person assisting him ensured him that DFEH was the appropriate agency. After several months passed, he was notified that DFEH was not the correct agency and that he would need to file a new complaint with the appropriate agency. He doesn’t know if he has the strength to follow through.

We refer clients to our local resources, California Rural Legal Assistance or Greater Bakersfield Legal Assistance, but many never follow through and just want to move on with their lives. When I followed up with the trans homeless woman who was harassed at the shelter, she said she had worked out living accommodations and didn’t want to pursue any action.

I have a few suggestions, based on my experiences, about a few steps DFEH might take to help smooth out the path for filing complaints. You may already be planning to do some or all of these.

- Train more advocacy groups (like The Center) to understand the filing process and help people with filing complaints. Some people will decline to follow-through on a referral to other parties regardless of the severity of the discrimination. We will still, of course, connect victims to our partner agencies as needed.
- Simplify and clarify the information on the DFEH webpage to make it easier for lay people to understand what kind of complaints are handled by your agency. Is a case of mistreatment in a hospital or homeless shelter handled by your agency? How about HIPAA violations? If not, include the links to the appropriate agency.
- Re-affirm to law enforcement that victims of civil right discrimination who are in danger of imminent harm deserve their respect and fair treatment.
- Consider a campaign that emphasizes the humanity of all people in addition to an “It’s the Law” posture. This would be particularly important to our trans friends in affirming them.

Thank you again for this opportunity, and for your work in reducing discrimination throughout our state.