Sexual Orientation and Gender Identity: A Guide for the Investigator

Ann P. Haas, PhD
Andrew Lane, MSEd
John R. Blosnich, PhD, MPH
Barbara A. Butcher, MPH
Maggie G. Mortali, MPH

This Guide and other resources can be found on the LGBT Mortality website: www.lgbtmortality.com

Second Edition, 2018
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Authors Note

We are pleased to share Sexual Orientation and Gender Identity: A Guide for the Investigator, Second Edition, 2018. This update to the 2016 edition incorporates what we have learned from our continuing work with professionals who collect mortality information over the last two years, as well as our evolving and expanding understanding of sexual orientation and gender identity (SOGI). We offer this Guide in the spirit of collaboration, acknowledging our profound gratitude to the many individuals who have provided input and advice in its development. We are especially indebted to those who have asked the hard questions that have pushed us to think deeply about the challenges of identifying SOGI following death – a task that had not previously been explored.

The 2018 Guide retains our original aim to provide a method for postmortem SOGI identification in the context of deaths requiring a medicolegal investigation, thereby supporting death investigators, coroners, medical examiners, law enforcement, and the state and federal systems that collect and aggregate data on violent and undetermined deaths. We hope that the new edition will also be helpful to others, including funeral directors and advocates, as the national conversation expands to include the identification of SOGI in all deaths via the death certificate.

Since beginning this work our team has been motivated by the conviction that the lack of information about how and why lesbian, gay, bisexual and transgender (LGBT) people die limits our ability to develop and deliver effective interventions to promote health and wellness and reduce preventable deaths among these populations. For too long, we have been aware that LGBT people are at disproportionately high risk for suicide attempts and many other health disparities, but prevention efforts have been thwarted by the lack of reliable data about specific mortality patterns, including who in these communities are most vulnerable.

Pilot implementations of our SOGI protocol in several jurisdictions have produced promising findings. We note, however, that we are just beginning systematic study to document how our method performs in the field, and this should be clearly acknowledged in all contexts in which the Guide is used. Rigorous evaluation of the procedures outlined in the Guide by qualified professionals with expertise in public health research, SOGI measurement and death investigation is imperative to provide the needed scientific support for an evidence-based method of postmortem SOGI identification.

We are proud of the role our work has played to elevate national discussion of LGBT mortality, and welcome collaborations with others to advocate for the policy changes that will one day make routine, systematic SOGI identification a standard part of U.S. vital statistics and public health systems.
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INTRODUCTION

In 2011, the National Institute of Justice published a Technical Update to its 2009 document, *Death Investigation: A Guide for the Scene Investigator.* This document outlined the information to be collected as part of a standard death investigation, and included sexual history among other significant aspects of the decedent’s social history. It offered no guidance, however, about how the investigator should ask about and document a decedent’s sexual history, including the important characteristics of sexual orientation and gender identity.

*Sexual Orientation and Gender Identity: A Guide for the Investigator* is designed to help investigators collect and report this important information with accuracy and sensitivity.

Specifically, the *Guide* seeks to provide investigators with an understanding of:

1. Why it is important to collect information on decedents’ sexual orientation and gender identity;

2. What we mean by “gender identity” and “sexual orientation,” especially in the context of a death investigation;

3. How gender identity and sexual orientation information can be collected in a medicolegal death investigation; and

4. How this information is reported and used.

In the chapters that follow, investigators will find a discussion of each of these topics, along with Case Examples that illustrate how the decedent’s gender identity and sexual orientation can be determined in a death investigation, and a Checklist to guide collection of the required information.

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CHAPTER 1

Why Collect Sexual Orientation and Gender Identity Information?

OBJECTIVE Describe why it is important to collect information on decedents’ sexual orientation and gender identity.

According to recent national surveys, an estimated 20 million Americans – 8.7% of women and 8.2% of men – have had at least one same-sex partner since age 18, more than double the numbers from 25 years ago. Much of the rise is accounted for by a sharp increase in bisexuality (having sex with both male and female partners) from 3.1% in 1989 to 7.7% in 2014. Although estimates vary, about half of those who engage in same-sex behavior are thought to identify as lesbian, gay, or bisexual. Estimates further suggest that 1.4 million American adults and 150,000 youth (ages 13-17) are transgender, identifying as a gender that is different than the sex they were assigned at birth.

Despite important subgroup differences, the diverse population of people who engage in same-sex sexual behavior, have a minority sexual identity, or identify as a different gender than their assigned sex at birth is sometimes referred to as “SGM” (sexual and gender minority) or “LGBT” (lesbian, gay, bisexual, and transgender) people. Research shows that SGM individuals are more likely to seriously consider and attempt suicide than the overall U.S. population. They are also more likely to be victimized by bullying, harassment, and violence, including physical and sexual assault.

We do not know whether SGM people are more likely to die by suicide or other violent causes because decedents' sexual orientation and gender identity are not routinely noted in death investigations. Not knowing the extent of violent death in SGM people, and which subgroups are most vulnerable, limits our understanding of factors that cause or contribute to such deaths. It also hinders public health efforts to prevent violent deaths in these populations.

With the appropriate understanding and guidance, death investigators are in an ideal position to obtain information about decedents' sexual orientation and gender identity. The goal of this Guide is to give investigators the understanding, guidance, and confidence to obtain this information in a way that is both accurate and acceptable to decedents’ families and friends.
CHAPTER 2

Understanding Gender Identity and Sexual Orientation

OBJECTIVE

Define gender identity and sexual orientation, especially in the context of a death investigation.

Gender identity refers to a person’s deeply felt sense of being male, female, or in some cases, another gender. For most people, gender identity is the same as the sex they were assigned at birth. For example, the gender identity of someone who was assigned male sex at birth and considered himself to be male is “male.”

People who are transgender identify as a gender that is different from the sex they were assigned at birth. An example is a person who was assigned male sex at birth but identifies as female. The gender identity of this person would be “transgender female.”

Gender identity cannot be determined solely through physical examination of the body. Because of cost, lack of access to medical services, or personal preference, many transgender people do not have medical or surgical procedures to make their bodies match their gender identity. This is especially true of genital surgery.

The investigator plays an essential role in determining all decedents’ gender identity by seeking information to two questions:

1. What sex was the decedent assigned at birth?

2. What was the decedent’s gender identity at the time of death? In other words, did the decedent identify as male, female, or another gender?
The investigator combines the answers to these two questions, and then places the decedent in one of the following gender identity categories:

- **Male, not transgender** – assigned male sex at birth; identified as male at time of death
- **Female, not transgender** – assigned female sex at birth; identified as female at time of death
- **Transgender male** – assigned female sex at birth; identified as male at time of death (related terms include female-to-male, FTM, trans man)
- **Transgender female** – assigned male sex at birth; identified as female at time of death (related terms include male-to-female, MTF, trans woman)
- **Transgender non-binary or other** – assigned male or female sex at birth; identified as a gender other than completely male or completely female at time of death (related terms include genderqueer, gender fluid)

*Key definitions related to gender identity are summarized in the Glossary of Terms found in Appendix 2.*

Sexual orientation generally refers to an individual's sexual attraction to people of the same sex, a different sex, or both the same sex and a different sex. People may recognize and express their sexual attractions in different ways during their lives. Since the investigator’s task is to determine the decedent’s sexual orientation at the time of death, the focus of attention will usually be the last 12 months of the decedent’s life. Inquiring about earlier periods of time may be helpful, although past sexual attractions or sexual behavior may not be a reliable indicator of a decedent’s sexual orientation at the time of death.

Sexual orientation is different than gender identity, but the two characteristics are connected. To clarify, let’s first consider how sexual orientation is determined for the majority of decedents who are not transgender. Then, we will discuss determining sexual orientation for transgender decedents.
Determining sexual orientation in decedents who are not transgender

For decedents who are not transgender, sexual orientation is determined by seeking information to two questions:

1. In the 12 months before death, were the decedent’s sexual partners (or sexual attractions, if the decedent was not sexually active during this time) only the same sex, only a different sex, or both the same sex and a different sex?

2. In the 12 months before death, did the decedent identify\(^5\) as lesbian or gay, bisexual, or heterosexual (i.e., straight; not gay, lesbian or bisexual)?

The investigator combines the answers to these two questions, and then places the decedent in one of the following sexual orientation categories:

- **Lesbian or gay** – only same-sex sexual partners (or sexual attractions) in the 12 months before the death; identified as gay, lesbian or a related term

- **Bisexual** – both same-sex and different-sex sexual partners (or sexual attractions) in the 12 months before the death; identified as bisexual or a related term

- **Heterosexual** – only different-sex sexual partners (or sexual attractions) in the 12 months before the death; identified as heterosexual, straight or not gay, lesbian, or bisexual

- **Sexual behavior inconsistent with identity** – identified one way but behaved in another in the 12 months before the death; for example, identified as heterosexual but had recent same-sex sexual partners

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\(^5\) Identifying as gay, lesbian, or bisexual – or a related term such as queer or same-gender loving – is generally the most definitive indicator of gay, lesbian, or bisexual orientation. But, people who knew the decedent may be more likely to be aware of the person’s sexual behavior than their self-identification. Self-identification as a particular sexual orientation may be especially difficult to discern in cases where the decedent was heterosexual, as heterosexual people frequently do not identify as “heterosexual” or “straight.” They may be more likely to think of themselves as “not gay, lesbian, or bisexual.”
Key definitions related to sexual orientation are summarized in the Glossary of Terms found in Appendix 2.

Determining sexual orientation in decedents who are transgender

Transgender people, like everyone else, can have any sexual orientation. For example, the sexual orientation of a transgender woman whose sexual partners are men and who identifies as heterosexual or straight is heterosexual. If this person has both male and female sexual partners and identifies as bisexual, her sexual orientation would be bisexual. And, if her sexual partners are exclusively female and she identifies as lesbian, her sexual orientation would be lesbian.

In determining the sexual orientation of a transgender decedent, the investigator should begin with a clear sense of the decedent’s gender identity rather than the sex they were assigned at birth. It can also be helpful to think of a transgender person’s sexual partners as being “same-gender”/“different-gender,” rather than same-sex/different-sex. With these adjustments, the same sexual orientation categories as defined above can be used for transgender decedents, as well as for decedents who are not transgender.

The next two chapters discuss how the investigator can collect the specific information needed to determine the decedent’s gender identity and sexual orientation.
CHAPTER 3
Collecting Information on Gender Identity

OBJECTIVE
Describe how gender identity information can be collected in a death investigation.

Information that suggests the decedent may have been transgender at the time of death may be obtained at different stages of the death investigation. Opportunities to gather gender identity information occur while observing the scene and the decedent’s living environment. Other evidence may be found in written documents and reports, or voluntary statements made by witnesses, family members, or friends. Examples of information that suggests a decedent’s transgender identity include:

Observation of the scene and decedent’s living environment

- Cross-sex clothing worn by the decedent (Note: Many people who cross-dress are not transgender, so this observation alone is not a reliable indicator of being transgender.)

- Cross-sex hormones or related medications (Note: Confirmation should be sought that the decedent was taking these medications for gender transition rather than another reason.)

- Books, magazines, or pamphlets about transgender issues, including gender transition.

- Internet activity related to transgender issues, including gender transition.
Written documentation

- Differences in decedent’s sex as listed in identifying documents (e.g., passport, driver’s license, marriage license).

- References to transgender status or gender transition in the decedent’s writings, including suicide notes, journal or diary, and postings on social media.

- Autopsy/external examination report indicating medical or surgical alteration of genitalia, breasts, or other sex-linked anatomy.

- Medical records indicating gender-affirming treatment/s, including prescriptions for hormones or other gender transition-related medications, or surgical procedures.

- Records of mental health diagnosis or treatment of gender dysphoria or other issues related to gender identity or gender transition.

Statements of witnesses, family members, and associates

- Inconsistent use of names or pronouns (he/she, him/her, his/hers), or use of gender-neutral pronouns (they/them/their) when referring to the decedent.

- Mention of decedent’s desire to be a different gender, transitioning to a different gender, or questioning their gender identity.

Even if the investigator obtains suggestive evidence through the methods described previously, confirmation of the decedent’s gender identity should always be sought through interviews with informants likely to have this information.

Asking direct questions of a spouse or partner, roommate, close friend or other person who knew the decedent well is the most reliable way for the investigator to determine the decedent’s gender identity.
It is important to note that family members may not have accurate information about whether a decedent was transgender. Close friends and others outside the family, such as a physician or counselor, are often more helpful in providing gender identity information.

In most cases, it is helpful for the investigator to ask about the decedent’s gender identity early in the interview of an appropriate informant. If the decedent’s preferred name and pronouns have not already been clarified, seeking this information can be a way of starting the conversation, for example:

💬 What was the decedent’s preferred name? Did [name] use any other first name at any time in their life? When I refer to [name], what pronoun should I use, he or she?

It is also helpful to briefly acknowledge the sensitive nature of the questions to be asked. For example:

💬 I need to ask you some questions that may be sensitive, but they’re asked routinely so we can learn as much as possible about the person. I’d like to know about how [name] identified in some basic ways, starting with sex or gender.

The investigator should then proceed to ask about the decedent’s assigned sex at birth and gender identity at the time of death, using such questions as:

💬 What sex was [name] identified as at birth?

💬 At the time of the death, did [name] identify as male [or “as female” if birth sex was female], or as different gender?

💬 [If “a different gender”] What gender did [name] consider themselves to be, or want to be?

💬 To what extent did [name] live “as female” [or “as male,” or “as this other gender”]? [Probe to distinguish living in the preferred gender from cross-dressing without a desire to be a different gender.]
Did [name] take any steps to affirm this gender in a physical sense, such as taking hormones or having surgery? [Note: Responses may help to confirm the decedent's gender identity as transgender. However, transgender identity should be based on the decedent's identifying as a different gender other than the sex assigned at birth, and not on whether they sought gender-affirming medical treatment.]

Based on the information obtained about the decedent's assigned sex at birth and gender identity at the time of death, the investigator should determine the decedent's gender identity, using the categories defined in Chapter 2.

The Checklist in Appendix 1 provides a guide to the specific gender identity information the investigator should obtain. Information about the decedent's gender identity should be recorded on the Checklist, Items 1 and 2. All supporting evidence should be summarized in Item 3.
Information that may suggest the decedent’s sexual orientation at the time of death may be obtained by the investigator at various stages of the investigation, as follows:

**Written documentation**

- Marriage license or other documents that indicate sex or gender of legal partner. (Note: It is especially important to confirm information suggested by a marriage license because some people who are gay, lesbian or bisexual are, or have been, married to someone of a different sex or gender.)

- References to the decedent’s sexual orientation in the writings, including suicide notes, journal or diary.

- References to the decedent’s sexual orientation in postings or conversations on social media.

**Statements of witnesses, family members, and associates**

- Mention of decedent’s sexual orientation, sexual partners, sexual behavior, or sexual attractions.

- Mention of the decedent’s sexual identity, or conflicts or questions about sexual identity.
Mention of the decedent's membership or involvement in LGBT organizations or activities.

Even if the investigator obtains suggestive evidence through the methods described above, confirmation of the decedent's sexual orientation should always be sought through interviews with informants likely to have this information.

Asking direct questions of a spouse or partner, roommate, close friend, or other person who knew the decedent well is the most reliable way for the investigator to determine the decedent's sexual orientation. It should be kept in mind that family members may not have (or wish to share) accurate information about a decedent's sexual orientation was lesbian, gay, or bisexual. Close friends and others outside the family are often more helpful in providing sexual orientation information.

**Sexual orientation questions should be asked of appropriate informants only after the decedent’s gender identity has been determined.**

Listed below are suggested questions and probes for the investigator to obtain sexual orientation information, beginning with information about the decedent's sexual partners.

- [If no information is known about the decedent’s sexual partners, ask:] Can you tell me about [name]'s sexual history, in particular his/her sexual partners over the last 12 months?

- Were [name]'s sexual partners female, male, or both female and male?

- [If known to be currently married to, or in a relationship with a person of a different sex, ask:] I understand [Tom] was with a woman. Did he have other recent sexual partners, whether other females or males?

- [If known to be married to, or in a relationship with a person of the same sex or gender, ask:] I understand [Susan] was with a woman. Did she have other recent sexual partners, whether other females or males?
[If no information is obtained about the decedent’s sexual partners, ask:] *Especially in the last 12 months, was [name] sexually attracted to females, males, or both females and males?*

[If no information is obtained about either sexual partners or attractions, ask:] *What can you tell me about [name]’s earlier sexual relationships or attractions?*

Once the investigator has explored the topic of decedent’s sexual partners, the following question should be asked to obtain information about the decedent’s sexual orientation identity:

[If no information is obtained about the decedent’s recent sexual partners and sexual orientation identity at the time of death, the investigator should determine the decedent’s sexual orientation, using the categories defined in Chapter 2.]

*In the last 12 months, did [name] consider herself/himself to be gay or lesbian, bisexual, or straight or heterosexual, that is, not gay, lesbian, or bisexual?*

Based on the information obtained about the decedent’s recent sexual partners and sexual orientation identity at the time of death, the investigator should determine the decedent’s sexual orientation, using the categories defined in Chapter 2.

*The Checklist in Appendix 1 provides a guide to the specific sexual orientation information the investigator should obtain. Information about the decedent’s sexual orientation should be recorded in the Checklist, Items 4-7. All supporting evidence should be summarized in Item 8.*

IMPORTANT NOTE: In the course of inquiring about the sexual orientation of an adult decedent, if the investigator elicits information that the decedent engaged, or may have engaged, in sexual activity with a person below the age of consent, this information should be noted in Item 8 of the Checklist without completing Items 4-7. Sexual behavior between an adult decedent and a minor is criminal activity and is not a reliable basis for determining the decedent’s sexual orientation.
CHAPTER 5
How is this Information Reported?

Information on the decedent’s sexual orientation and gender identity is important in order to complete a full investigation of the death. In every death investigation, the investigator should clearly identify these characteristics, along with a summary of interview evidence and other information that supports the investigator’s determinations.

The Checklist in Appendix 1 provides a straightforward way for the investigator to report findings about the decedent’s gender identity and sexual orientation. Incorporating the Checklist into the investigator’s report helps to assure that this information is clearly communicated to the medical examiner, coroner, forensic pathologist, or other official who has responsibility for writing and certifying the final report on the death. If the investigator has interviewed multiple informants about the decedent’s gender identity and sexual orientation, a single Checklist should be submitted that indicates the investigator’s determinations based on the totality of the information obtained. Conflicting information from different informants should be noted in the open-ended items on the Checklist (Items 3 and 8).

Since 2002, the Centers for Disease Control and Prevention (CDC) has been developing a national database on violent deaths called the National Violent Death Reporting System (NVDRS). Currently operating in most states and soon to expand to all states, this system aggregates official death records of suicides, homicides, intentional and accidental firearms deaths, deaths resulting from law enforcement actions, and undetermined deaths. Using a coding manual developed by CDC, state-
level personnel abstract information about each violent death from the death records, specifically the Death Certificate, the medical examiner/coroner’s report, law enforcement report, and crime laboratory findings. By pooling information from these sources into one comprehensive, de-identified database, NVDRS aims to improve understanding about why violent deaths occur, who is most affected, and how these deaths can be prevented. NVDRS data also play a critical role in guiding state and local agencies and officials as they develop, implement, and evaluate violence prevention programs, policies and practices.

Among the more than 700 incident and decedent variables included in the NVDRS database are several related to sexual orientation and gender identity. In coding these variables, state abstractors rely especially heavily on the report from the medical examiner or coroner. As with all national surveillance and vital statistics data collection, the quality of the NVDRS database depends essentially on the skill, perseverance, and commitment of the personnel who collect the information about each death.

By following this Guide, death investigators will assure that NVDRS is able to fill the current gaps in knowledge about the sexual orientation and gender identity of persons who die by suicide, homicide and other forms of violent death. In providing this critical information, investigators will play a unique and essential role in improving understanding – and preventing – violent death in sexual and gender minority people.
CASE EXAMPLE 1

Nadine, a 62-year-old social worker, died of undetermined causes. For the last 20 years, she lived with a female partner, Lydia. According to Lydia, Nadine was identified female at birth and had always considered herself to be female. Lydia was certain Nadine had no other sexual partners during their relationship. In her twenties she had an 8-year sexual relationship with a woman, and later lived with a man for 10 years. During their time together, Lydia said Nadine had considered herself to be lesbian. Prior to that, she thought Nadine may have identified as bisexual.

Decedent’s gender identity at time of death was:

☑ Female, not transgender

Summary: Nadine’s birth sex was female, and she was reported to have consistently identified as female.

Decedent’s sexual orientation at time of death was:

☑ Lesbian or gay

Summary: For the last 20 years, Nadine’s only sexual partner was a woman, and during this time she was reported to have identified as lesbian. Although she may have considered herself to be bisexual when she was younger, her sexual orientation at the time of her death was lesbian.
CASE EXAMPLE 2

Christopher was 15 when he took his own life. His parents described their only child as a popular boy and an outstanding athlete, “completely male from the moment he was born.” They were certain he was heterosexual, citing posters of female singers on his bedroom walls and the girl next door, Amanda, who they described as “his crush since fifth grade.” When questioned by the investigator, Amanda described Christopher as “a guy I could talk to like a girlfriend,” but she was sure he thought of himself as male. She denied any romantic involvement, saying she’d suspected Christopher liked a boy on his soccer team after seeing them together a lot. Christopher had eventually confirmed his attraction to this boy and later told her he had similar feelings for a boy at camp the summer before 8th grade. He said he’d never felt that way about a girl, which was how he figured out he was gay. He made Amanda swear she wouldn’t tell anyone, saying it would kill his parents to know he was gay.

**Decedent’s gender identity at time of death was:**
- Male, not transgender

**Summary**: Christopher’s parents reported his birth sex as male and his gender identity as male, which was confirmed by his close friend, Amanda.

**Decedent’s sexual orientation at time of death was:**
- Lesbian or gay

**Summary**: Although not aware of any sexual behavior, Amanda reported Christopher was sexually attracted to other boys only, and considered himself to be gay. His parents seemed strongly invested in their son’s heterosexual interests, and Amanda indicated he was trying hard to keep his parents from suspecting he was gay. The investigator considered her to be the more knowledgeable informant, and based on her account, Christopher’s sexual orientation at the time of his death was identified as gay.
CASE EXAMPLE 3

The deceased, a 25-year-old who died by suicide, was referred to as “Caleb” by the surviving girlfriend, Emily. A birth certificate found at the residence listed the deceased’s first name as “Caroline,” and identified the sex as female. As observed at the scene, the deceased’s genitalia were female, although dress and haircut were distinctly male. Prescribed male hormones found in the bathroom suggested the deceased was transitioning to male gender. According to Emily, Caleb lived as female until after college, but had identified as male since age 9. She confirmed he began taking male hormones three years ago and soon after, began living as a man. She and Caleb had been dating for about a year and were planning to get married. Emily said Caleb had identified as straight, noting the two sexual partners he’d had in the year before they met were also women. Emily described him as increasingly depressed about his mounting medical bills and his wealthy parents’ refusal to accept his transition.

Decedent’s gender identity at time of death was:

☐ Transgender male

Summary: Physical examination and a birth certificate indicated Caleb’s birth sex was female. His outward appearance at the time of death, medications found in his apartment, and Emily’s account provided consistent evidence that he was in the process of transitioning from female to male. His gender identity at the time of death was transgender male.

Decedent’s sexual orientation at time of death was:

☐ Heterosexual

Summary: Caleb’s recent sexual partners were women. Because his gender identity was male, his sexual behavior was with different-gender partners only. Also, Emily confirmed he identified as straight. His sexual orientation at the time of death was heterosexual.
CASE EXAMPLE 4

A badly beaten body found in a park was ruled a homicide. The deceased was in a torn dress, revealing male genitalia. The body showed signs suggesting sexual assault. High-heeled shoes and a women’s wig were found nearby. A missing person report filed the next day matched the deceased’s appearance and led to his identification as 29-year-old Andy. The source of the report was a friend, Gary, who told investigators he was in the city on a short-term work assignment. He had met Andy at a gay bar where Andy was performing as a female impersonator and after a few sexual encounters, began staying at Andy’s apartment. He described Andy as a fun, effeminate man who loved to perform in drag, spending hours selecting outfits from his large collection of female clothing and accessories. Gary was sure this was “pure performance,” saying Andy definitely considered himself to be male – and gay. He was aware that Andy currently had other male sexual partners.

Decedent’s gender identity at time of death was:

☑ Male, not transgender

Summary: Physical examination indicated Andy was an anatomical male, and his current roommate (and sexual partner) reported that Andy considered himself to be male. Although he enjoyed performing as a female impersonator, there is no evidence he wanted to be a woman or a gender other than male.

Decedent’s sexual orientation at time of death was:

☑ Lesbian or gay

Summary: The roommate reported that Andy’s recent sexual partners were only men and that he considered himself to be gay.
CASE EXAMPLE 5

A single car collision into a concrete wall claimed the life of the driver and only occupant, a 48-year-old female. The car was traveling at a high speed and showed no indication of braking before impact. The deceased's husband, Allen, identified her as his wife, Marcia. He described Marcia's gender identity throughout her life as "definitely female." In response to the MDI's question about her sexual behavior, Allen replied that both he and Marcia had an open marriage, and that both of them slept with men and women in occasional sexual threesomes. Allen said he and Marcia were both bisexual and supported each other's sexual involvements with other people. He didn't believe Marcia would have killed herself by deliberately driving into the wall, and he wondered if something had been going on that he hadn't seen.

Decedent's gender identity at time of death was:

☑ Female, not transgender

Summary: Her husband, Allen, reported that Marcia identified as female throughout her life.

Decedent's sexual orientation at time of death was:

☑ Bisexual

Summary: The husband reported Marcia's recent sexual behavior had been with both men and women, and she had long identified as bisexual.
CASE EXAMPLE 6

Police responded to a call from a hotel where a male guest was found dead in a bed, nude and with a belt around his neck. Security camera footage showed another man had entered and left the room and items at the scene suggested sexual activity had occurred prior to the death. According to a driver’s license found at the scene, the deceased was a 45-year-old male named Javier. Inspection of his phone showed recent activity on an app for men looking for sex with other men. Physical evidence showed he had engaged in anal intercourse prior to his death. Interviewed at the home address, his wife, Ana, said she and Javier had a wonderful marriage with three children. She described him as “manly” and refused to accept the police account of the circumstances surrounding his death. She was embarrassed by the question of whether Javier had other sexual partners and insisted she was the only woman he had slept with. When asked whether she knew about any involvements with men, she sharply rejected that possibility, saying Javier strongly disapproved of homosexuality and citing his Catholic religion and traditional Hispanic upbringing.

Decedent’s gender identity at time of death was:

☑ Male, not transgender

Summary: Javier’s wife Ana described him as “manly”, although she did not specifically say he identified as male. Since physical examination indicated he was anatomically male, and no evidence was obtained that suggested Javier was transgender, his gender identity at the time of death was identified as male, not transgender.

Decedent’s sexual orientation at time of death was:

☑ Behavior inconsistent with identity

Summary: The app on Javier’s phone suggested he had been looking for men to have sex with, and physical evidence confirmed he had engaged in sexual activity with a man prior to his death. However, Ana’s account made clear that he was living as a heterosexual and outwardly disapproved of homosexuality. His sexual behavior should thus be listed as inconsistent with his sexual identity.
CASE EXAMPLE 7

A woman was found dead in her bed by police after receiving a call from a couple in the adjacent apartment. They reported not seeing their neighbor for several days and hearing loud cries from her cats. A search of the apartment revealed no suicide note or signs of foul play. A driver's license found in the woman's purse identified her as Veronica, female, age 38, and observation of the body at the scene was generally consistent with that description. Referring to her as Ronnie, the next-door couple said they had known her casually for about 12 years, and that during this time she had gone from being male to female. They had helped her with grocery shopping and errands five years ago when she was in the hospital several times for surgery related to her gender transition. They thought she was generally open about being a transgender woman. In the last few years, they said they’d seen lots of different people going in and out of Ronnie’s apartment, both men and women, some of whom may have been transgender. The only time they’d talked about this with Ronnie was a night last winter when she invited them in for a drink after a holiday get-together in their building. After a couple of drinks, Ronnie mentioned a recent break-up with a boyfriend, which led to other details about her complicated love-life. Describing herself as “pansexual,” they recalled Ronnie seeming frustrated and depressed by her last partner’s possessiveness and lack of acceptance of her diverse sexual interests.

Decedent’s gender identity at time of death was:
- [x] Transgender female

Summary: Ronnie’s neighbors reported that she had transitioned from male to female, and had surgery as part of this transition. This information was consistent with physical examination. The neighbors also indicated she identified openly as a transgender woman. The information on her driver’s license suggested she had legally changed her name and sex.

Decedent’s sexual orientation at time of death was:
- [x] Bisexual

Summary: According to the neighbor’s description, Ronnie’s recent overnight visitors (presumably, sexual partners) included both males and females. This observation was confirmed by Ronnie’s description of herself as pansexual (a term similar to bisexual that is generally used to indicate sexual attractions to people of any sex or gender). For the purposes of postmortem classification, pansexual is coded as having a similar meaning as bisexual.
APPENDIX 1

Checklist for Sexual Orientation and Gender Identity Information

Investigator __________________________ Date ____________ Case # __________

**INSTRUCTIONS:** The investigator should complete and submit this Checklist as part of each case report. If multiple informants have been interviewed about the decedent’s gender identity and sexual orientation, the Checklist should indicate the investigator’s determinations based on the totality of the information obtained. Conflicting information obtained from different informants should be noted in the open-ended items (3 and 8).

### PART I. Gender Identity Information

1. Decedent’s assigned sex at birth was:
   - [ ] Male
   - [ ] Female
   - [ ] Unable to determine

2. Decedent’s gender identity at time of death was:
   - [ ] Male, not transgender
   - [ ] Female, not transgender
   - [ ] Transgender male
   - [ ] Transgender female
   - [ ] Transgender non-binary or other
   - [ ] Unable to determine

3. Summary of supporting evidence provided by informant about decedent’s gender identity. Note informant’s relationship to the deceased. Also summarize supporting evidence obtained in addition to informant interview.

### PART II. Sexual Orientation Information

4. Sexual partners (or sexual attractions, if decedent was not sexually active) in last 12 months were:
   - [ ] Only male
   - [ ] Only female
   - [ ] Both male and female
   - [ ] No recent sexual partners or attractions identified/unable to determine

5. Considering the decedent’s gender identity, recent sexual partners (or sexual attractions) were:
   - [ ] Only same-sex, or only same-gender
   - [ ] Only different-sex, or only different-gender
   - [ ] Both same-sex and different-sex, or both same-gender and different-gender
   - [ ] No recent sexual partners or attractions identified/unable to determine

6. Sexual orientation decedent identified as, or considered herself/himself to be at the time of death was:
   - [ ] Lesbian or gay
   - [ ] Bisexual
   - [ ] Heterosexual (i.e., straight; not gay, lesbian or bisexual)
   - [ ] Unable to determine

7. Considering both decedent’s recent sexual partners and how he/she identified, decedent’s sexual orientation at time of death was:
   - [ ] Lesbian or gay
   - [ ] Bisexual
   - [ ] Heterosexual
   - [ ] Behavior inconsistent with identity
   - [ ] Unable to determine

8. Summary of supporting evidence provided by informant about decedent’s sexual orientation. Note informant’s relationship to the deceased. Also summarize supporting evidence obtained in addition to informant interview.

*The Checklist is available for download on the LGBT Mortality website: [www.lgbtmortality.com/resources]*
Terms Related to Gender Identity

**Gender (vs. sex):** A person’s self-identity ranging from male to female, regardless of their biological characteristics. Sex generally refers to biological characteristics that define men and women, such as women having breasts, men having a penis.

**Gender dysphoria:** A medical diagnosis for distress caused by the difference between one’s assigned sex at birth and their gender identity.

**Gender expression:** The various ways that people present their gender to society, such as clothing, grooming, mannerisms, and speech patterns. Gender expression alone is not indicative of a person’s gender identity or sexual orientation.

**Gender identity:** The deeply felt sense of being male, female, or some other gender, which may or may not correspond to the sex the person was assigned at birth.

**Gender reassignment surgery (GRS):** A range of surgical procedures to make a person’s body more closely match their gender identity. It is preferable to describe such surgery as “gender-affirming.”

**Gender transition:** Process through which some transgender people begin to live as the gender with which they identify rather than the sex assigned at birth.

**Transgender:** Having a gender identity that is different from one’s assigned sex at birth.

Gender identity categories used in death investigations include:

**Male, not transgender:** Assigned male sex at birth; identified as a man, or male, at time of death.

**Female, not transgender:** Assigned female sex at birth; identified as female at time of death.
**Transgender male**: Assigned female sex at birth; identified as male at time of death (related terms include female-to-male, FTM, trans man).

**Transgender female**: Assigned male sex at birth; identified as female at time of death (related terms include male-to-female, MTF, trans woman).

**Transgender non-binary**: Assigned male or female sex at birth; identified as a gender other than completely male or completely female at the time of death (related terms include genderqueer, gender fluid).

**Terms Related to Sexual Orientation**

**Sexual orientation**: A person’s sexual attraction to other people, usually defined by sexual behavior (or sexual attractions, if the person is not sexually active) and sexual identity as straight, lesbian or gay, or bisexual.

Sexual orientation categories used in death investigations include:

**Lesbian or gay**: Only same-sex sexual partners (or sexual attractions) in the 12 months before the death; identified as gay, lesbian or a related term.

**Bisexual**: Both same-sex and different-sex sexual partners (or sexual attractions) in the 12 months before the death; identified as bisexual or a related term.

**Heterosexual**: Only different-sex sexual partners (or sexual attractions) in the 12 months before the death; identified as heterosexual, straight or not gay, lesbian, or bisexual.

**Sexual behavior inconsistent with identity**: Identified one way but behaved in another in the 12 months before the death; for example, identified as heterosexual but had recent same-sex sexual partners.