Tanya Domi:
Hello, this is Tanya Domi. Welcome to The Thought Project recorded at the CUNY Graduate Center. In this space we talk with faculty and doctoral students about the big thinking and big ideas generating groundbreaking research, assisting New Yorkers and informing the world during pride month. And over the course of the next few weeks, The Thought Project will host conversations on CUNY activities, research and engagement on LGBTQ issues. Thanks for listening to The Thought Project and happy pride.

Tanya Domi:
Joining us today is Dr. Max Osborn who received their PhD in criminal justice from John J college in the CUNY graduate center in 2022. His research focuses on institutional harm and social control over marginalized populations, particularly LGBTQIA+ people and on consequences of abuse and victimization. In previous work, he has addressed relationships between child maltreatment and physical health, as well as women’s resistance to partner violence. Max's work has been published across multiple disciplines and can be found in outlets, including Feminist Criminology, Journal of Gay and Lesbian Social Services advances in gender research and psychological medicine. Welcome to The Thought Project, Max Osborn.

Max Osborn:
Hi, thank you for having me.

Tanya Domi:
It's great to have you here at The Thought Project. You recently completed your doctorate in criminal justice at the graduate center. Your dissertation is about LGBQIA+ people and their encounters with the police. First of all, I just want to ask you, how did you get interested in this topic? And then later, when did you decide you wanted to pursue a PhD in criminal justice?

Max Osborn:
So I actually started out by getting a master's degree in forensic psychology. Also from John Jay College. In undergrad, I had worked at a couple different social service internships, and my initial intention was to become a counselor, working with people involved with the criminal legal system. And I realized about halfway through the master's program, that A, I was not cut out to be a counselor. And B, I was much more interested in the research aspect of academia. So I was interested in criminal justice because it seemed kind of interdisciplinary. I have been able to draw on my interests in psychology, sociology, political science, public health, gender studies. So that's been valuable, I think.

Tanya Domi:
Oh, sure. It's very interdisciplinary.

Max Osborn:
Yeah. And then once I was in the program, I gravitated pretty quickly to doing work about LBTQIA+ plus populations, because this is still relatively underrepresented in the criminological literature. So most of the mainstream criminology research is pretty gender essentialist and doesn't really engage with queerness or transness in a substantial way. So that seemed like something that I wanted to work on and push back against.
Tanya Domi:
Of course, it makes a lot of sense. I'm not surprised that it's underrepresented either. And so that's why I think your research is unique. And it's a significant contribution to the literature, in my view, in your research, you interviewed 42 queer people, and you also interviewed 15 service providers that work with a queer population. You explored this in the contact situation in interactional dynamics of the police and help seeking encounters. Was this study conducted in New York?

Max Osborn:
Yes, it was. I decided to limit the focus to people who lived in New York City just to give it some structure. And also because I think that just given the size of the NYPD and the size of the queer and trans population in New York, it was a pretty important context in which to study this type of encounter.

Tanya Domi:
Oh, absolutely. I agree. I mean, NYPD of course has been deeply criticized. You know, I know that Dr. Candace McCoy who did two years public service in the office of the inspector general actually issued a special report on maltreatment of trans people who were arrested or detained. And New York City and NYPD in particular is the largest police force in the country. This is the largest city in the country with the huge population of people. So it seems like really a perfect right scenario. In the interviews what are some of the things that you discovered, or you learned that you didn't think about going into it, or maybe even surprised you?

Max Osborn:
Well, when I initially conceived of this study, it was going to be a pretty straightforward comparison of different types of encounters, different environments, and seeing kind of what factors were important, what the outcomes were. But as soon as I started doing the interviews, the more compelling idea that stood out was how people perceived and responded to being policed, and exploring this tension that people talked about between visibility and safety.

Max Osborn:
So depending on the environment, the more visible you are as a queer or trans person, the more at risk you might find yourself. Which is not a new idea by any means. There’s plenty of queer and trans studies scholars who will tell you that. I was interested in learning how people perceive these risks as type of like hyper awareness or vigilance about how other people might be reading them. So people talked a lot about you’re walking down the street and you think, how are other people perceiving me? What did people assume when they look at me? Is it safe to express myself fully? Or do I have to adapt myself or hide somehow? And this was something that-

Tanya Domi:
So that was foremost in people’s minds.

Max Osborn:
Yeah. Or not just foremost, it just was this common thread, that was an interesting part to me is learning more about how people navigated that. So people often ended up trying to, depending on the situation, alter their presentations to be more gender normative, to stand out less, to kind of anticipate what was being expected of them and sort of conform to that.
Tanya Domi:  
Conform to that perception.

Max Osborn:  
Yes. So that's a lot of back and forth and anticipating and awareness of how you're coming off to people. And policing was obviously like a main focal point because it's a type of situation where all of this is really heightened. There's an armed representative of the state who's in a public place quite often, who is subjecting you to scrutiny. And if the encounter goes wrong, you could be in physical danger. So it's this situation where even if it's like a brief encounter, there's always this sort of higher stakes potential sure.

Tanya Domi:  
Really anxiety producing. That doesn't surprise me about the police at all. But it's interesting that you found it, statistically, it was pervasive apparently in the interviews with people.

Max Osborn:  
Yes. This was something that people talked a lot about and had different strategies and talked about having to anticipate, what about me is going to read to other people as queer or trans. And is that safe? Is that something that I should try to hide? And just in general obviously this was not a surprising finding, but people did report predominantly negative experiences with police. And that's really consistent with previous literature that says that queer and trans people are surveilled more often they're criminalized on these really minor pretexts, like so called quality of life offenses. So things like loitering, which are really subjective and are often enforced in ways that are not about public safety so much as about order and preserving sort of social hierarchies.

Tanya Domi:  
Like you shouldn't be standing on that corner. Why are you standing on that corner?

Max Osborn:  
Exactly. Yes. So that's something that came up particularly with trans women who are very often profiled as being sex workers. Just for basically existing in public spaces.

Tanya Domi:  
And it would seem that people of color that are trans would be really targeted.

Max Osborn:  
Certainly, there were obviously a lot of different intersections of identity that made people feel more targeted by police stand out more. And some of these things are things that you can change and some of them are not. So I think that's something to keep in mind that there are people who could successfully quote unquote pass, as straight or cisgender if they needed to. And there are people who absolutely could not minimize risk to any real degree.

Tanya Domi:  
Certainly racially, for sure.
Max Osborn:
Yes. And also people who are visibly gender nonconforming or visibly trans in a way that is not able to be altered.

Tanya Domi:
Hidden or altered. That has to be quite a burden to manage all the time. In the service agencies, which agencies did you work with? Were they mostly ones that service and work with the queer community?

Max Osborn:
Yes. So it was either service providers that were specifically geared toward queer and trans clients, or who worked with a really substantial proportion of queer and trans clients. I had talked to counselors, homelessness and housing advocates, people working in public health outreach, legal services and jail support. So sort of broadly construed service provision.

Tanya Domi:
As services. In terms of homeless, did you ever get into homeless youth, which is a significant problem in New York City?

Max Osborn:
Yes, a little bit. There were a couple people that I spoke with who work in that area, specifically with queer and trans homeless youth, which is obviously... It's a really staggeringly, huge proportion of homeless youth are queer or trans. I don't have the statistic off the top of my head, but it's significant.

Tanya Domi:
I've heard it's between like 3,500 to over 4,000 every day.

Max Osborn:
Yeah. I mean, it's a lot.

Tanya Domi:
It's significant.

Max Osborn:
So it's people who have already experienced rejection and trauma and various other obstacles and are now dealing with homelessness on top of that. And often, because of the things I mentioned, have some sort of police contact or, or legal system contact that further complicates things.

Tanya Domi:
In your study you actually affirm that there should be an expansion of services. And what in particular were you thinking about in the expansion of services?

Max Osborn:
So interviewees talked a lot about obstacles to accessing care and it kind of fell into two main areas. So, either people were experiencing discriminatory treatment, such as being misgendered, having people
make really incorrect assumptions or asking invasive questions, not having their concerns addressed. Or they encountered issues with cost and availability. So not having services that were both affordable and queer or trans competent. And that’s the case even here. New York is again, a place where you would expect there to be a lot of resources for queer and trans people. But even here, what was really clear was that queer and trans people were having trouble accessing care. And the service providers I talked to were often doing really great work, but also sometimes were overloaded with clients, with people they’re working with.

Tanya Domi:
These agencies, they had too much work for the staffing that was present.

Max Osborn:
Right. Especially during the pandemic, which we talked a little bit about.

Tanya Domi:
Yeah, it does seem like the pandemic really hurt a lot of people in the city.

Max Osborn:
Yes. It was really clear from talking to service providers that, as you might expect, the pandemic really exacerbated existing disparities. And the people that kind of were the brunt of it were the clients who were already having trouble financially and in terms of mental health and in terms of access to resources. And it just further-

Tanya Domi:
Compounded.

Max Osborn:
Yeah, exactly.

Tanya Domi:
In terms of cultural competence, I mean, it is interesting what you say about New York has a lot of services and it’s very clear and everybody knows that there’s a lot of gay people, queer people that live in New York City, but that doesn’t necessarily mean that these agencies are culturally competent. And what are your recommendations about getting them up to par so that they can effectively deal with this population?

Max Osborn:
I think a lot of it honestly comes down to listening to what clients need, familiarizing yourself with common concerns of these populations, with terminology. For example, there were couple of cisgender women that I talked to who had had experiences with gynecologists who kept wanting to focus the conversation on pregnancy and fertility. And even though they were explaining repeatedly, like this is not a risk with my sexual partners, they were having sex with.

Tanya Domi:
So they would just ignore-

Max Osborn:
Cis women or trans men and just really not being heard and kind of being forced into this very heteronormative box by the provider's assumptions. So a lot of this is really small steps. It's like being proactive about asking people's preferred names, what pronouns they use, rather than assuming. And that's really small, like it's a change on an intake form, but it can actually be an indicator of whether or not this is a service provider someone can feel comfortable with. Who's not starting off the interaction by asserting something incorrect about the client's identity.

Max Osborn:
And if they don't do that, then as a new client or a new patient walking in, you already know it's a situation where they're not seeing you, or they're not acknowledging that people like you exist. So that really creates this initial barrier, that mis-recognition or erasure is a form of structural violence in itself.

Tanya Domi:
Sure. The other issue is I found as I was reading your dissertation extract and just your findings, what became clear to me is like, yes, this is very clear. Clearly this situation has really affected queer people, but it seems like there's a lot of issues with the police. And you start thinking about what happened with black and brown people during black lives matters and what happened during the pandemic. And it seems like the police really don't think about how to work with these populations in a constructive way.

Max Osborn:
Yes. I mean I would-

Tanya Domi:
I mean, that's very general what I'm saying. But there's a parallels here, it seems like, with black and brown people, with people that the police... It isn't community relations 24/7 then.

Max Osborn:
And obviously those are not equivalent situations, but it is true that there are, I think a lot of communities that have not been served by the police by the criminal legal system. And are really sort of mobilizing around asking for community based solutions to harm, asking for other methods of crisis response, asking for more resources rather than more policing and surveillance.

Max Osborn:
So I think that's definitely true. And I think that you brought up the Inspector General's Report. So this is an example that I actually like to give about the difference between policy and implementation that in 2012, there were these official updates to the NYPD patrol guide about how to interact with transgender civilians. So things like using people's correct names and pronouns, even if it didn't match their ID, not strip searching people to determine their anatomy, which is very common.

Max Osborn:
Not holding trans women alongside men, when booking them. Things like that. But five years later in 2017, the inspector General's office issued a report showing that out of, I think 77 precincts, only six had
given their officers any training on this new policy, whatsoever. So it's written into the official policy, but it was not being implemented, and [inaudible 00:16:47].

Tanya Domi:
It was not a concern.

Max Osborn:
Right. And one of the service providers I talked to who worked in legal services, said that they had represented hundreds of trans clients who had been arrested. And they could not think of a single instance where the arresting officer did not violate these guidelines. Like none. It's just very pervasive still, regardless of what the policy says.

Tanya Domi:
What the policy says. It reminds me of governments, like in Eastern Europe that never implement the laws. They adopt them, but they don't implement them.

Max Osborn:
Right. But you have something that you can point to saying, like, see, we did it, we addressed this, but it doesn't translate into practice.

Tanya Domi:
It doesn't really wash. So has there been any advocacy organizations in this city, like working on that. That you are aware of as an outcome of your research?

Max Osborn:
I didn't really focus on advocacy so much. I was mostly focusing on service provision, but there's definitely movements for... I mean, obviously there's the defund, the police movement, which is not monolithic. It's a lot of different ideas and a lot of different proposals for service provision and harm reduction. But yeah, a lot of the things that people talked about wanting were more supportive, preventive care services that would help people avoid legal system contact in the first place. Mental health, housing assistance, education, and also having options for responding to crises that didn't involve police. Mediators, crisis responders.

Tanya Domi:
In other words, increasing non-police interventions and providing more care in a way that actually meets the person.

Max Osborn:
Exactly. Yes. So there were people who had called police that I talked to who said, "I didn't really want to, but it was an emergency. And I couldn't think of anything else to do, because I didn't know of any other things that were available." So just having a range of options and kind of giving people more agency about how they want to respond to emergencies or crises or situations where people need support.

Tanya Domi:
That makes a lot of sense. But we talked earlier about the fact that a number of people can't pass and it would seem that they would have the most trouble in terms of negotiating the city or just physically being alive and walking around. This is also for... I know some other GC studies of broken windows policy and clean hallways. And where people just literally can't sit on their front steps or they can't walk around without being really harassed by the police. So it seems like policing, in some ways it's really counter to like imbuing trust and confidence in the community.

Max Osborn:
Yes, definitely. And one of the things that I did talk to people about was how not being served by the police leads to institutional avoidance. It leads to people saying, okay, these institutions are not set up to serve me or my community or people like me. They might actually make things worse if I engage with them. So it's best not to engage at all. Which is very understandable. And to be clear that this is not the same thing with police and service providers, there's different degrees of harm and different degrees of avoidance. But a lot of people I spoke with did end up deciding not to seek help from formal sources very often, really as a last resort. And they really turned to community, support networks, instead.

Tanya Domi:
Friends, extended networks.

Max Osborn:
Yes. Friends, family, chosen family. A lot of people talked about queer and trans social networks specifically in terms of mutual aid, crowdfunding, things like that.

Tanya Domi:
So people are using crowdfunding.

Max Osborn:
Yeah. It's interesting. Those are some of the conversations that I felt both encouraged and also a little stressed out by.

Tanya Domi:
The idea of it.

Max Osborn:
Exactly. Yes. There's this gender studies scholar named Hil Malatino. He wrote this really good book called Trans Care where he talks about how queer and trans care networks often form in direct response to disinvestment and refusal of care by institutions. Like we can't always access formal resources so we make our own. Which is really beautiful and great in a lot of ways, but also really hard because often what that turns into is a situation where a lot of people who are already under resourced and already experiencing a lot of social stressors are essentially trading off shouldering these burdens for each other. And that can be really draining like emotionally, financially, logistically. So it's not a perfect solution, but it's something that people I talk to are really invested in a lot of the time.

Tanya Domi:
And are turning to. Because there's just no one available to help.
Max Osborn:
Or even if they're available, they're saying this is not-

Tanya Domi:
It's not worth it. I would say that your findings, I mean, with this major of a city and this significant population, that this is a substantial contribution in light of how the queer criminology has basically been underpopulated or under produced. What kind of feedback have you gotten from other scholars about your work?

Max Osborn:
It's actually been pretty encouraging, which is good. Like I said, queer criminology is still a pretty small subfield within the discipline. Although it's pretty tight knit, shout out to all the other queer crim folks that I'm in community with. But yeah, I've had a really good response from the people who have read my work and who don't themselves necessarily work with queer populations? Yes, I think it's definitely something where there's a lot of work to be done. There's other disciplines like sociology and gender studies that are like light years ahead of criminology in terms of how to talk about gender and sexuality.

Tanya Domi:
Yeah. Public sociology's amazing.

Max Osborn:
So, yeah, I mean, I think one of the things that I'm trying to engage with is the idea of how gender and sexual orientation information is collected in criminological research. There's this study that I refer to all the time by Jace Valcore and Rebecca Pfeffer, who they basically did an analysis of 1,600 articles published in criminology journals. And they found that 95% of them used binary measures of gender. And then most of those conflated sex and gender as being completely interchangeable terms. So like that's the sort of existing structure of what the research looks like, which means that trans people are often being miscategorized or overlooked and non-binary people are not acknowledged to exist essentially. So it's really hard to address the needs of a population if you cannot even measure or acknowledge them.

Tanya Domi:
Exactly. Because they're erased from the study.

Max Osborn:
Exactly. They're kind of invisible.

Tanya Domi:
They're invisible. Very interesting. So you've gotten very good feedback just on a contemporary, given what's going on in our country, these anti-trans laws in 20 states, at least, and counting. The don't say gay bill in Florida. Just yesterday in Oklahoma, fortunately it was a good decision where the judge actually denied a request to remove a lesbian's name from the birth certificate of her son, which is good. But it could just be the next moment where it could be just the opposite.

Tanya Domi:
So given all that in this research and the vulnerability of a queer population, and it feels like a ferocious targeting of lives by, principally, Republican lawmakers throughout the country, this isn't even going on necessarily in Congress, but it's happening at the local and state level everywhere. What's your thoughts about this situation given you're very well defined and explained research on a very vulnerable population.

Max Osborn:
Wow. I mean, like you said it is looking pretty bleak at the moment. I forget how many anti-trans bills have been introduced so far this year at the state level, but it is already I think a record breaking number even compared to previous years.

Tanya Domi:
I think it's 20 have been passed.

Max Osborn:
Have been passed. Yes. I think the proposed legislation-

Tanya Domi:
I don't know about the introductions.

Max Osborn:
Proposed, I think it's well over 100 at this point at the state level. So it's really just an onslaught of throwing things out and seeing what manages to pass. I mean, obviously my work looks at police, at service provision, but I think it is important to look at all of this as connected and look at the ways that other institutions like healthcare and education and sports are creating new barriers to queer and trans people's participation. And I think it does come back to some of the same things that I talked about in terms of putting a lot of pressure on queer and trans people just trying to exist in public life. And making it really hard for people to access resources, to be eligible for help, to find any type of formal support or acknowledgement. So I think it is kind of all of a piece with each other.

Tanya Domi:
Yeah. So, I mean, I think the introduction of the laws in and of itself is violence.

Max Osborn:
Oh, absolutely. It sends a message saying we don't want you here.

Tanya Domi:
We're coming for you. We're coming for you. We're targeting you. This case in Ohio, there's only one high school student who's identified as trans playing sports and they've introduced this bill.

Max Osborn:
And it's not about this one kid, that's an isolated case. It's about expressing that trans people are not welcome members of the community. And I think in Texas, there was just a study that came out that talked about the mental health impact on trans youth. Even if they're not the people directly being
impacted by anti-trans legislation and anti-trans messaging, they are internalizing that. They are hearing that the place that they live does not want them and does not want them to exist.

Tanya Domi:
Yeah. It’s very dangerous, it’s very dangerous.

Max Osborn:
And that has an impact.

Tanya Domi:
Nonetheless, you have done very well as an outcome of your dissertation and your contribution. And so what’s next for you.

Max Osborn:
So after living in New York for the past decade, I am preparing to move to Philadelphia this summer. I am starting a faculty position at Villanova University in the department of sociology and criminology. So I will-

Tanya Domi:
Congratulations.

Max Osborn:
Thank you.

Tanya Domi:
Congratulations.

Max Osborn:
The job search process is very intense and I sympathize with anyone who is gearing up for it right now.

Tanya Domi:
And Villanova’s a great university and Philadelphia’s not that far away. So if you want to come back to New York you can-

Max Osborn:
Exactly. I’m very relieved.

Tanya Domi:
... jump on the train. Yes. Jump on the train and come back to the city. We’re particularly proud of someone like you doing this well in getting a tenure track position. So congratulations to you, Max.
Thank you. I'm excited. It seems like I'll be working with some pretty fantastic scholars who are doing work that I find really interesting and compelling. So I'm really excited to get started.

Tanya Domi:
Happy pride as well.

Max Osborn:
Oh, thank you.

Tanya Domi:
Thanks for tuning into The Thought Project and thanks to our guest, Dr. Max Osborn, a recent alumnus of the doctoral criminal justice program at the CUNY Graduate Center. The Thought Project is brought to you with production engineering and technical assistance by audio engineer, Kevin Wolf and CUNY TV. I'm Tanya Domi, tune in next week.