



Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the US

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1. INTRODUCTION

In August 2002, Sacramento County Sheriff's deputies arrested Kelly McAllister, a white transgender woman, and ordered her from her truck. When she refused, the deputies allegedly pulled her from the truck, threw her to the ground, and began beating her. McAllister also alleges that arresting officers pepper sprayed her, hog-tied her with handcuffs on her wrists and ankles, and dragged her across the hot pavement.

On 6 September 2002, while being held in detention at the Sacramento County jail, officers placed McAllister in a bare basement holding cell. When she complained about the freezing conditions, guards reportedly threatened to strip her naked and strap her into the "restraint chair" as punishment. Later, guards placed McAllister in a cell with a male inmate. She reports that he repeatedly struck, choked, and bit her, and then proceeded to rape her. McAllister sought medical treatment for injuries received from the attack. After a medical examination, she was transported back to the main jail where she was reportedly threatened with further attacks by male inmates and taunted by the Sheriff's staff that she enjoyed being the victim of sexual assault. Reportedly, McAllister attempted to commit suicide twice.

The Sheriff's Department opened an investigation into the alleged rape; the inmate accepted a plea for "unlawful intercourse in jail" and was sentenced to three months in detention. Though McAllister filed a full report with the Sheriff's Department, no Sheriff's Deputy has been disciplined for the incidents surrounding McAllister's arrest and incarceration.

Despite progress made by the lesbian, gay, bisexual and transgender (LGBT) movement in the United States since Stonewall—the June 28, 1969 police raid on the Stonewall Inn, a popular gay bar in New York City, and ensuing protests in defiance of police abuse and repression—police misconduct against the LGBT community in the US persists.

In a new report titled ***Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the US***, Amnesty International (AI) documents serious patterns of police misconduct and brutality—including abuses that amount to torture and ill-treatment—against LGBT individuals. Profiling of LGBT individuals as criminal; selective enforcement of laws; sexual, physical, and verbal

abuse; inappropriate searches and mistreatment in detention remain commonplace, as does a lack of accountability for perpetrators.

The report also examines how US authorities are in breach of their international human rights obligations by failing to take adequate measures to prevent or punish crimes committed against LGBT people. Case histories documented in the report demonstrate failure to respond or inadequate responses by the police to hate crimes and violence targeting LGBT people, as well as situations of domestic violence that involve LGBT people.

The report's findings strongly indicate that police abuse and the forms it takes often are specific to different aspects of the victim's identity. **Stonewalled** highlights the treatment of LGBT individuals by the police within the larger framework of identity-based discrimination, and demonstrates how the interplay between different forms of discrimination—such as racism, sexism, homophobia and transphobia—create the conditions in which human rights abuses are perpetuated. The report shows that within the LGBT community, transgender individuals, people of color, youth, immigrant and homeless individuals, and sex workers experience a heightened risk of police abuse and misconduct.

AI's findings suggest that police tend to target individuals who do not conform to gender stereotypes that dictate "appropriate" masculine and feminine behavior. Transgender people in particular experience some of the most egregious cases of police brutality. AI heard reports of transgender individuals being subjected by police to discriminatory profiling as sex workers; "policing" of transgender individuals bathroom use; sexual, verbal and physical abuse; inappropriate and illegal searches to determine a transgender individual's "true" sex; and a failure to protect transgender individuals from abuse while in detention.

Though police forces across the country are increasingly providing some level of training intended to guide interactions with the LGBT community, 28% of police departments responding to AI's survey reported that they do not provide any form of training. AI's report clearly describes the persistent and widespread lack of effective systems of accountability for law enforcement officers who commit abuses. Reports to AI suggest that many LGBT individuals do not come forward with complaints about police officer conduct. AI received a number of reports of hostility or attempts to

dissuade people from making complaints at police stations.

Stonewalled places the issue of police misconduct and brutality in the context of the lack of recognition of LGBT human rights. Like many other countries, the US has a long history of both criminalizing homosexual conduct and failing to protect LGBT people from discrimination on the basis of their sexual orientation or gender identity. In turn, people are denied access to their full human rights, creating a climate in which LGBT people are more likely to face abuses.

The emergence of a strong LGBT rights movement has been successful in pushing forward greater recognition of the basic human rights of LGBT people in the last three decades. There are many indicators of this progress, including the increased public visibility of LGBT people, and especially at the local level, the successful adoption of anti-discrimination legislation inclusive of LGBT people. Yet, as this report demonstrates, serious human rights abuses targeted toward members of the LGBT community continue to be perpetrated, including by those officials in society whose duty is to serve and protect the entire community.

2. INTERNATIONAL LAW

Everyone—regardless of their sexual orientation or gender identity or expression—is guaranteed civil, political, social, economic, and cultural rights under international law. ***Stonewalled*** contains an overview of international law and standards relevant to the fulfillment of LGBT rights.

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR), the principal international treaty setting out fundamental civil and political rights, including the right to freedom from arbitrary arrest and detention, and torture, cruel, inhuman, or degrading treatment. The ICCPR also requires that anyone deprived of his or her liberty be treated with humanity and respect for the inherent dignity of the human person. The US is also a party to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination.

3. SCOPE AND METHODOLOGY

AI has obtained data for ***Stonewalled*** from a wide range of sources to collect

information on a national as well as the local level. These included the use of surveys, interviews in the selected cities, and research of statutes, ordinances and media reports from across the United States.

Stonewalled gives a national overview on issues of police misconduct and brutality against LGBT communities in the US. However, research for the report primarily focused on four US cities. These cities are: ***Chicago, Los Angeles, New York, and San Antonio***. The target cities were chosen based on the presence of LGBT activists and/or advocacy groups within the city, and previous work done in the city on police brutality issues. The four cities also were chosen for geographic diversity. In addition, each of the cities selected for the report has taken steps to address abuses against LGBT people, and has at least some limited capacity to document police brutality targeting the LGBT community. However, the capacity to document police misconduct and abuse against LGBT people in each of these four cities remains inadequate to assess the full scope of the problem.

AI sent comprehensive surveys to law enforcement agencies across the US on interactions with LGBT individuals including training policies and procedures. Surveys were sent to the police department in the largest city in each of the fifty states, the District of Columbia and San Antonio, a city studied for the report but not the largest city in Texas. AI received 29 completed surveys. Each of the four target city police departments completed the survey sent out by AI, except for the New York City Police Department. However, the NYPD did allow AI to interview key department officials. As a result, AI was able to obtain answers for many of the questions in the survey.

AI also sent surveys to the 52 internal affairs divisions of the police departments surveyed and received 11 completed surveys. Surveys were also sent to each of the 24 Civilian Complaint Review Boards that exist in the largest city of each of the 50 states and the District of Columbia; AI received nine completed surveys.

AI conducted more than 170 meetings in the four target cities, along with additional interviews in Philadelphia, Houston, and San Francisco and Washington, DC. The organization met with LGBT activists and advocacy organizations as well as with police brutality activists, police watchdog organizations, youth outreach organizations, immigration advocacy groups, sex work activists and advocacy groups, civil right

organizations and local community activists. AI is greatly indebted to these many organizations and individuals who generously shared their documentation and contacts. AI collected over 200 testimonials through a confidential online survey requesting first-hand accounts from LGBT individuals about their interactions with police. AI also reviewed surveys conducted by local organizations on interactions with the police in New York City and Chicago.

AI also met with law enforcement officials in New York City, Chicago, San Antonio, and Los Angeles.

4. PROFILING & SELECTIVE ENFORCEMENT

AI's research reveals that law enforcement "profile" LGBT individuals, in particular transgender individuals, individuals not conforming to traditional ideas of gender, and LGBT individuals of color, as potential criminals in different contexts. AI's findings demonstrate how police officers selectively enforce laws relating to "morals regulations," bars and social gatherings, demonstrations and quality of life statutes.

▪ Transgender Individuals

On January 15, 2004, a Latina transgender woman went to the Silver Dollar Bar in San Antonio. Bar security officers asked her to step outside, where police officers accused her of stealing money from another patron. She denied the charges and offered that officers could search her purse. According to the woman, one of the officers rolled down her skirt, exposing her genitals as she stood in front of the bar, which is in full view of the road. She was then handcuffed and pushed into the back of the police car. Soon after she was told to get out. She was not charged with any crime. AI researchers received a number of reports that law enforcement officers treat with suspicion those who do not conform to stereotypes about gender. Reports indicate that failure to adhere to gender expectations contributes to arbitrary arrest and detention of transgender and gender variant people.

Reports indicate that harassment is more severe the less a transgender woman or man "passes," which in turn can be a function of her or his socioeconomic status and the extent to which she or he wants or can afford hormones and sex reassignment surgery. According to some advocates, the quality of police interactions can be affected by presumptions of criminality based on race, age, and/or socioeconomic status.

Out of the 29 police departments responding to AI's survey, 21 (72%) reported having no policy regarding interactions with transgender people.

RECOMMENDATIONS: AI urges authorities to develop transgender specific policies and procedures and ensure that issues relating to interactions with transgender individuals and communities are incorporated into police training programs as a matter of urgency.

▪ **Profiling of Transgender Women as Sex Workers**

A white transgender woman worked for a motel where her shift ended at 3AM. She was reportedly stopped by the San Antonio Police Department at least four times on her way home after work on the assumption that she was a sex worker. Eventually, her employers had to contact the SAPD and explain that she needed to walk home early in the morning after her shift ended.

AI found a strong pattern of police unfairly profiling transgender women as sex workers. AI received reports of such practices in Chicago, Los Angeles, New York and San Antonio, as well as in Philadelphia, San Francisco, Houston, and Washington, DC.

AI heard numerous reports of transgender women being stopped by police and questioned as they engaged in routine daily activities, such as going to a local shop. It was reported that selective profiling of transgender women as sex workers by law enforcement officers frequently leads to arbitrary arrest and detention.

Such profiling and arrest appear to take place primarily under vague laws creating offenses from "loitering with intent to solicit," "public lewdness," or "disorderly conduct." AI and other organizations are concerned that vaguely worded regulations are applied in a discriminatory manner as these laws and regulations leave almost entirely the determination of suspicion and the definition of the offending conduct to the individual officer's judgment.

In addition, AI heard reports that many transgender individuals do not challenge charges and instead plead guilty to avoid spending time in detention before trial, choosing to have a criminal record to avoid the risk of being detained. Many transgender people fear detention because they often are at heightened risk of torture and ill treatment at the hands of both guards and other inmates—see the section on

Detention for more.

RECOMMENDATIONS: Authorities must ensure that laws regulating sex work are not selectively enforced on the grounds of gender identity or expression. In the absence of specific evidence or probable cause for suspicion, transgender individuals must not be profiled as sex workers.

- **Identification**

In Los Angeles, a Latina transgender woman was reportedly arrested for providing false information to a police officer when she presented a driver's license identifying her gender as female. While the charges were subsequently dropped, as a result of her arrest she was found to be in violation of a previously imposed probation order and was incarcerated for 30 days.

A common fear expressed to AI by transgender individuals is being stopped by the police and asked for identification. Transgender individuals in the US often experience difficulties in changing or obtaining identification documents that match her or his gender identity. Individuals who are transitioning, undocumented immigrants, the homeless, or those who do not meet requirements for officially altering their gender because they cannot afford hormones or do not wish to undergo sex reassignment surgery, may not be able to obtain identification consistent with their gender identity.

AI heard of a number of reports of transgender individuals being stopped and asked for identification, in some cases to apparently establish whether an individual is male or female. When transgender individuals produce identification that does not match a police officer's expectations regarding the person's gender, they often are regarded as fraudulent or deceitful, increasing the risk of abuse and harassment. Reports of misconduct and abuse include inappropriate searches to determine an individual's genitally determined sex (**see Detention and Searches**).

It was also reported that when police officers interact with transgender individuals they often use inappropriate pronouns or an individual's prior male or female name. While in some cases this practice may be a product of inadequate training, AI heard reports of officers deliberately using a name or pronoun that does not match an individual's gender presentation in order to humiliate.

RECOMMENDATIONS: Officers should receive training in how to respectfully address transgender individuals. AI believes that officers should be required to address transgender individuals by either the name on their identification corrected to reflect their gender identity or the name they regularly use.

▪ **Policing Bathroom Use**

Reports of police misconduct directed towards transgender and gender variant communities also included the “policing” of bathroom use. The majority of public bathrooms are designated male or female, even though there may be no laws codifying these social conventions. Therefore, access to them can result in transgender individuals being subjected to arrest, harassment or abuse by officers who use their own perceptions of gender identity or expression to determine who should or should not be allowed into a particular bathroom. AI has also heard reports in Los Angeles, New York and San Antonio that police have demanded identification from transgender people when they have attempted to use public bathrooms.

▪ **Morals Enforcement**

A San Antonio Park Ranger testified in a trial against a gay man charged with a lewd conduct offense that he had arrested at least 500 gays men and no women. He also reportedly said he “wanted to rid the park of gays.”

AI’s findings indicate that the vagueness of morals regulations—regulations used to prohibit public sexual expression or conduct, including offenses like lewd conduct and public lewdness—may lead to arbitrary arrest and detention of gay men. Such regulations give individual officers discretion to determine what is considered “offensive,” and are prone to homophobia, racism and sexism. For example, acts which heterosexual couples can openly engage in such as kissing may be regarded as “offensive” when engaged in by gay couples.

The arbitrary arrests and detentions that may result from use of these vague statutes or regulations are human rights abuses under both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

AI received reports of targeted enforcement of morals regulations disproportionately against gay men in all four cities studied by AI, as well as in several other cities across

the US including Detroit, Denver and Columbus, Ohio. For example, between August 2000 and July 2001, there were reportedly 649 arrests under Los Angeles lewd conduct law, 88 percent were of men; excluding arrests involving sex work, 99 percent were of men. AI also received reports of discriminatory application of morals regulations against gay men of color.

In addition, AI received reports in a number of cities of law enforcement agencies utilizing undercover operations as a means of enforcing morals regulations. Undercover officers patrol areas known to be frequented by gay men and invite sexual or lewd conduct by their words or behavior. AI also heard reports alleging verbal and physical abuse by officers during undercover operations.

AI believes that the discriminatory aspects of targeted lewd conduct operations create an atmosphere conducive to abuse and foster a climate of impunity. Many individuals are unlikely to challenge the charges for fear of repercussions if their sexual orientation is revealed.

RECOMMENDATIONS: Authorities must ensure that morals regulations, such as those against lewd conduct, are not selectively enforced on the grounds of sexual orientation or gender identity. Authorities must ensure that any measures taken to enforce morals regulations are not discriminatory, either de jure or de facto.

Federal and state governments should review all legislation that could result in the discrimination, prosecution or punishment of individuals solely for their sexual orientation or gender identity. This includes lewd conduct legislation founded on notions of conduct "offensive" to third parties or other vague elements that currently provide opportunities for discriminatory application against LGBT individuals. Such legislation must be amended to specifically describe the conduct prohibited and to explicitly require monitoring and oversight of enforcement practices in order to prevent selective enforcement.

Undercover operations to enforce "lewd conduct" ordinances may lead to discriminatory enforcement, entrapment, and arbitrary arrest and detention and should be conducted according to strict protocols to prevent entrapment or else be discontinued.

▪ **Police Raids of LGBT Gatherings**

In the early hours of 2 March 2003, police reportedly raided The Power Plant, a popular gay after-hours club in Highland Park, Michigan, arresting the club owner and several hundred patrons. The club operator was arrested on several charges, including operating an illegal establishment and selling alcohol without a liquor license. Three hundred-fifty misdemeanor citations for illegal trespass were issued to the club's patrons, and more than 150 cars were impounded and towed from the scene.

Reportedly, 50 to 100 officers stormed the premises dressed in black clothing and using laser sights, causing panic among patrons. Patrons were bound with their hands behind their back and forced to lay face-down on the concrete floor, in some cases for more than eight hours. Reports indicate that those arrested were not permitted to use the bathroom and several were forced to relieve themselves where they lay. Some reported being kicked in the head and back, slammed into walls and verbally abused. Reportedly, officers were heard saying, "Those fags in there make me sick." The Wayne County Sheriff's Department claimed they were acting on complaints from neighbors and were acting in response to concerns of public safety.

Although raids of gay bars are no longer as widespread as they once were, reports indicate that police continue to target venues where LGBT people socialize. AI is concerned about reports of verbal and physical abuse as well as inhumane and degrading treatment of LGBT individuals during raids. Some raids have reportedly involved high numbers of officers and excessive force against individuals.

▪ **Demonstrations**

In New York City, a gay white man wore a t-shirt that said, "Fight AIDS not Iraq" to an anti-war demonstration in 2003. He passed a police officer standing in front of a fire station. The officer reportedly yelled at him, "If you didn't fuck each other in the ass you wouldn't get AIDS."

AI also received reports that law enforcement personnel have selectively targeted LGBT contingents and activists at demonstrations; employed excessive force at LGBT demonstrations and rallies; used homophobic and transphobic slurs; and arbitrarily detained and searched individuals.

▪ **Quality of Life**

"Being black and being trans gives the police the right to do what they want. I was sitting on a stoop trying to find something in my bag. An officer from the 10th Precinct [of the NYPD] asked me for my ID and then gave me a ticket for disorderly conduct.

The officer told me that if he saw me in the area again, he would arrest me. I told him that he'd better get used to seeing me because I worked in offices nearby. When it went to court the summons was dismissed – thankfully, I have a good lawyer."

"Zero tolerance" and "quality of life" policing is a law-enforcement strategy that seeks to create public order by aggressively enforcing laws against minor offenses (for example, public drunkenness, loitering, vandalism, littering or public urination). Like "lewd conduct" legislation, "quality of life" regulations are frequently vague, granting considerable discretion to individual police officers who may be motivated by their own prejudice or acting on complaints from members of the public motivated by homophobia, transphobia and racism.

Reports to AI in all four cities studied indicate a pattern of discriminatory enforcement of "zero tolerance" and "quality of life" regulations against members of LGBT communities, in particular transgender individuals, LGBT people of color, LGBT youth, homeless and poor individuals, and those engaged or perceived to be engaged in sex work.

Reports indicate that transgender youth and LGBT youth of color in particular have been targeted through selective enforcement of "quality of life" provisions, in some cases while conducting outreach for nongovernmental organizations. Discriminatory policing of "quality of life" regulations appears to be strong in gentrifying areas, which have traditionally provided safe space for LGBT individuals. AI has heard reports indicating that young LGBT people in West Hollywood, California; Chelsea and the West Village, Hudson River Piers and Times Square in New York; Lakeview in Chicago; and the Castro in San Francisco are routinely harassed, ticketed, told to move on or arrested.

AI received reports in each of the cities studied that "quality of life" ordinances are selectively enforced against homeless individuals. Reports indicate that a significant number of homeless individuals are LGBT. It is estimated that in some cities in the

U.S. up to 40% of homeless youth are lesbian, gay, bisexual or transgender.

AI found a pattern in each of the cities studied that LGBT individuals of color are disproportionately targeted for enforcement of “quality of life” ordinances. Reports indicate that while a person may initially be targeted based on their race, the risk of police abuse may increase when the person’s sexual orientation or gender identity becomes apparent. Discriminatory policing of “quality of life” regulations appears to be strong in gentrifying areas, which have traditionally provided safe space for LGBT individuals.

RECOMMENDATION: Policing operations, including those concerned with the enforcement of “quality of life” regulations and policies, should be reviewed to ensure that they are not targeted in a discriminatory manner.

5. SEXUAL PHYSICAL and VERBAL ABUSE

The alleged targeting of LGBT individuals for sexual, physical and/or verbal abuse occurs in many situations and contexts. Sexual, physical and verbal abuse frequently take place together. Sexual and physical abuse by law enforcement against LGBT individuals are often accompanied by homophobic and transphobic slurs and in some instances verbal abuse escalates to sexual or physical abuse.

Reports indicate that LGBT individuals who do not conform to traditional gender “norms” in their appearance or presentation are more likely to be singled out for sexual, physical or verbal abuse, and that transgender individuals are disproportionately targeted by law enforcement.

AI’s findings suggest that a significant proportion of reports of sexual, physical and verbal misconduct against LGBT individuals concern people of color, mirroring general trends of police brutality in the U.S. Age, socioeconomic and immigration status also compound the risk of sexual, physical and verbal abuse by law enforcement.

▪ Sexual Abuse

A Native American transgender woman reported that two Los Angeles police officers handcuffed her and took her to an alleyway. One officer reportedly hit her across the face, saying “you f---ing whore, you f--- ing faggot,” then threw her down on the back

of the patrol car, ripped off her miniskirt and her underwear and raped her, holding her down and grabbing her hair. The second officer is also alleged to have raped her. According to the woman, they threw her on the ground and said, "That's what you deserve," and left her there..

AI heard reports of sexual harassment and abuse of LGBT individuals in Chicago, Los Angeles, New York and San Antonio as well as in other locations including Montgomery, Alabama; Washington, D.C.; Athens, Georgia; Philadelphia and San Francisco. Reports included allegations of rape and other sexual abuse by police officers, including sexual assault, threatened sexual assault, sexual contact, as well as sexually explicit language and gestures.

AI received reports of police sexually abusing and harassing transgender individuals in Chicago, Los Angeles, New York, San Antonio, Philadelphia, San Francisco and Washington, D.C. AI received reports of lesbians experiencing sexual assault and harassment at the hands of police officers. Reports include gay men who have been raped, including with objects, and sexually abused.

Under international law, the rape of a prisoner by a state official is considered to be an act of torture. Other forms of sexual abuse may be torture and are clearly violations of the internationally recognized prohibition of cruel, inhuman and degrading treatment or punishment. Targeting of individuals because of their sexual or gender identity or expression violates not only their right against sexual abuse but also their right to be free from discrimination, which is protected in the ICCPR and Convention Against Torture.

▪ **Physical Abuse**

"When I came out as a transsexual, I went from a \$100,000 a year job to homeless and on welfare in less than two years. In the Summer of 2000, after a disagreement over one of my welfare payments, the police arrived at the welfare office, and the next thing I knew a cop was breathing down my neck, pushing me toward the door while I tried to explain that I had an appointment. There were four officers outside. One officer got in my face with the most vile insults I could imagine; his buddy stood nearby, nightstick in hand, ready to strike. The other two watched uncomfortably nearby. I got the impression they were trying to goad me to fight or react so they

could run me in. The one officer, the leader, was so vicious and abusive even his one ally seemed distressed at the mindless aggression and hate he spewed forth. The anger and hate directed at me was more intense than I could describe. I thought I was going to be killed right in front of welfare. With every push -- or stab -- of his billy club, I thought I would die.” – Rachel Thompson, e-mail to AI

AI received reports in Chicago, Los Angeles, New York, San Antonio, San Francisco, Sacramento and San Diego; Lehigh Valley, Pennsylvania; Austin, Texas; Lincoln, Rhode Island; and Connecticut of LGBT individuals being subjected to physical abuse including being kicked, slammed against walls and beaten with a baton.

Allegations of police officers physically abusing transgender individuals were reported in Los Angeles, Chicago, San Antonio and New York as well as in Pennsylvania, San Francisco and Washington, D.C. AI heard that transgender women of color and transgender individuals “who may not pass” are targeted for police misconduct, including physical abuse. Reports indicate that lesbians are subjected to violence by law enforcement officers because of their sexuality, particularly in terms of their physical appearance. AI also heard a number of reports of physical abuse of gay men by police officers in San Antonio, New York, Los Angeles and Chicago as well as from other locations, including San Francisco, Oakland, Lincoln, Rhode Island; and Connecticut.

The use of force against LGBT individuals, as documented in ***Stonewalled***, violates an individual’s right not to be subjected to torture or to cruel, inhuman and degrading treatment as specified in the ICCPR and the Convention Against Torture, treaties to which the US is a party.

- **Verbal Abuse**

“A Filipino transgender man arrested in New York gave the police his ID and papers. An officer reportedly said, “I know what you are. I know your kind. I just want you to know you’re never going to have a family like me, kids like me, a dog like me. And know that whatever you strap on between your legs will never be as real or as big as mine.” The police put him in a cell with female arrestees. Officers walked past him repeatedly, mocking his name and asking, “What is this thing?”

AI heard numerous reports of officers being verbally abusive towards LGBT individuals with officers frequently focusing on perceived sexual orientation or gender identity or expression of individuals in a derogatory and demeaning manner. AI heard reports in Chicago, Los Angeles, New York and San Antonio that officers engage in homophobic, transphobic, racist and sexist verbal abuse when communicating with particular communities, including LGBT people of color, homeless, youth, sex workers and immigrants.

Both LGBT victims of police abuse and activists interviewed by AI for ***Stonewalled*** stated that homophobic and transphobic verbal abuse by police was a serious problem. Verbal abuse serves to dehumanize LGBT people, creating a climate of prejudice and impunity in which misconduct as well as egregious sexual or physical abuse is more likely to take place.

Verbal harassment and abuse reported to AI include deliberately humiliating transgender people by using inappropriate pronouns or an individual's prior female or male name, and questioning what a person's "real" gender is. Advocates report that many officers have "no respect" for transgender women, make fun of them and call them "freaks," "he/she/it," or "he/she."

AI received several reports of verbal abuse of lesbians, including women who were called "dyke" as an insult during interactions with law enforcement. Verbal abuse of lesbians often focuses on perceived gender transgressions, and reports indicate that police single out lesbians who look "masculine" for verbal harassment and abuse.

AI also heard a number of reports of police officers calling gay men "faggots". The use of the term "faggot" is reportedly also used as a general derogatory term regardless of whether an officer perceives an individual to be gay. Men who do not conform to traditional gender "norms" are targeted for verbal abuse, including comments such as "sissy" and "princess."

Verbal abuse against LGBT individuals as documented in ***Stonewalled*** violates an individual's right to be treated with dignity under international standards and the right not to be subjected to cruel, inhuman and degrading treatment.

RECOMMENDATIONS: Authorities should ensure that all allegations and reports of police abuse and misconduct are promptly and impartially investigated. All officers

responsible for abuses should be adequately disciplined and, where appropriate, prosecuted. Verbal abuse or slurs by police officers based on real or perceived sexual orientation or gender identity must not be tolerated, and officers should be appropriately disciplined and, when appropriate, mandated training.

Special measures should be implemented to ensure that people who have been victims of torture or ill treatment based on sexual orientation or gender identity have access to means of gaining redress and the right to an effective remedy, including compensation.

6. SEARCHES AND DETENTION

AI received reports of cruel, inhuman and degrading treatment of LGBT individuals during arrest, searches and detention in police precinct holding cells. AI heard reports of officers searching transgender and gender variant individuals in order to determine their “true” sex.

AI also heard allegations of misconduct and abuse of LGBT individuals in holding cells and detention centers, including the inappropriate placement of LGBT individuals in situations which compromise their safety. In particular, transgender individuals are often placed in holding cells according to their genitally determined sex rather than their gender identity or expression, putting them at greater risk of sexual, physical and verbal abuse at the hands of other detainees.

▪ Searches and “Gender Checks”

A Latina transgender woman in New York was approached by two white police officers in a car on her way home from a nightclub in 2000. One officer leaned out the window and began to ask her personal questions about her anatomy: “Are your breasts implants or hormones?” and “What’s up with your 11 genitalia?” The officer then asked her to show him her breasts. Michelle told AI, “I didn’t know what to do, I couldn’t think and was worried that if I didn’t do what he said I’d provoke him and he’d maybe get out of the car, maybe arrest me for something I didn’t do.” She complied with his request and the officer then let her go.

Reports to AI indicate a pattern of officers undertaking searches that involve inappropriate touching of an individual’s genitalia in order to establish a transgender individual’s “true” sex i.e. genitally determined sex. AI heard a number of reports of

illegal and inappropriate searches of transgender and gender variant individuals in Chicago, Los Angeles, New York and San Antonio, as well as Alabama and Florida.

“Gender checks” may take place if an individual’s identification does not match their gender presentation, or when the individual is taken to a police station and a decision has to be made about whether a transgender or gender variant individual should be placed in a male or female holding cell.

Transgender individuals and advocates reported to AI that during street encounters and traffic stops police officers regularly demand that the person they perceive to be transgender reveal their “real” gender, at times asking inappropriate and abusive questions. In several cases, AI heard of police officers performing full or partial searches of transgender or gender variant individuals in public, either on the street or in full view of other detainees and law enforcement officers.

AI is concerned by reports that transgender people are victims of sexual abuse during searches. Reported sexual abuse includes the use of sexually offensive language; male staff touching transgender women’s breasts and genitals when conducting searches; female staff touching transgender men’s genitalia, and male or female staff watching transgender detainees while they are naked.

Of the 29 police departments surveyed by AI, only seven (24%) reported having a policy regarding strip searches of transgender individuals.

AI believes that searches and frisks to determine an individual’s genitally determined sex are never justified and constitute cruel, inhuman and degrading treatment, in violation of international law.

RECOMMENDATIONS: It is essential that all police departments develop policies and conduct training on issues relating to searches of transgender individuals. Manual frisks or searches should not be conducted for the purpose of determining genitally determined sex or whether an individual has breasts.

AI recommends that if a frisk or search is necessary under governing legal standards, transgender persons should be searched by two officers of the gender(s) requested by the transgender individual. If a transgender individual does not specify a

preference, then the search should be conducted by officers of the same gender presentation (e.g. a transgender female expressing no preference should be searched by a female officer).

Under no circumstances should individuals be subjected to strip searches in public space, either on the street or in police detention centers in view of officers not directly involved with the search or other detainees.

▪ **Detention Policies and Procedures**

A transgender woman arrested in a domestic dispute, was placed in a male cellblock at the D.C. Superior Court after authorities determined they had no procedure for changing her gender from male to female in the court's criminal record system (even though she had identification that had been legally corrected to reflect her gender; this identification had been issued after she had undergone sex-reassignment surgery). In the courthouse cellblock, male prisoners called her names, were lifting up her skirt, exposing their 12 penises and masturbating in front of her, and reportedly sexually assaulted her. The guards allegedly did nothing to intervene and protect her.

In New York, a transgender man was reportedly handcuffed to a pole because police officers did not know where to house him.

Police authorities in the US generally place transgender individuals in male or female holding cells based on their genitalia; in some cases transgender individuals may be held in a separate holding cell. Out of the 29 police departments responding to AI's survey, 17 (59%) reported having no policy on detention of transgender people.

The placement of LGBT individuals in relation to other detainees has an important impact on their dignity and safety, in particular for transgender individuals. Policies where a transgender person's genitally determined sex determines where they will be detained in gender-segregated facilities, regardless of their gender identity or

expression or their legal gender, have serious implications and increase the risk of transgender individuals being subjected to serious human rights abuses, including cruel, inhuman and degrading treatment and torture. AI's findings indicate that transgender detainees are at high risk of violence from other prisoners; transgender women in particular may be at heightened risk of torture or ill treatment if they are

placed in male jails or holding cells, as such placement may put an individual at risk of physical or sexual assault.

Lesbian, gay and bisexual individuals may also be targeted for abuse while in detention.

In some cases of abuse against LGBT detainees by other inmates reported to AI, it appears that officers have not taken appropriate measures to ensure their safety or failed to intervene in dangerous situations. In some instances reported to AI, officers have contributed to an atmosphere conducive to abuse and misconduct by "outing" LGBT individuals to other detainees. When police and prison authorities, as agents of the state, fail to protect inmates from violence at the hands of other detainees and prisoners, they can be held accountable for torture or ill-treatment.

RECOMMENDATIONS: US authorities must ensure that safe housing is provided for LGBT individuals while they are in detention. Authorities should immediately begin consultations with transgender organizations to identify best practices for policies in making housing decisions in a detention facility. AI recommends that when deciding where to house a transgender detainee, authorities should take into consideration the transgender individual's opinion as to where it would be safest for them to be detained in gender-segregated facilities. The individual's assessment should be central, if not necessarily determinative, as to where they should be housed. Administrative segregation in police custody should avoid further marginalizing LGBT people or putting them at risk of torture or ill-treatment. If safety concerns require that LGBT people be held separately from other detainees, they must be afforded the same degree of access to resources and services, including restroom and other facilities, and their detention should not be prolonged as a result.

7. POLICE RESPONSE TO CRIMES AGAINST LGBT INDIVIDUALS

Reports to AI indicate a pattern of police failing to respond or responding inappropriately to hate crimes, domestic violence and other crimes against LGBT individuals, particularly crimes against LGBT individuals of color, immigrants and other marginalized individuals.

The fact that such acts of violence are perpetrated by private individuals rather than

agents of the state does not absolve the authorities of their responsibility: the state may be held accountable under international human rights standards when these abuses persist owing to the complicity, acquiescence or lack of due diligence of the authorities. Due diligence includes taking effective steps to prevent abuses, to investigate them when they occur, to prosecute the alleged perpetrator and bring them to justice in fair proceedings, and to ensure adequate reparation, including compensation and redress. It also means ensuring that justice is dispensed without discrimination of any kind. AI is concerned that U.S. authorities are failing to act with due diligence to prevent and investigate crimes against LGBT people.

▪ **Fear of Reporting Crimes**

LGBT people often do not report crimes against them, in particular hate crimes and domestic violence, because they are reluctant to reveal their sexual orientation or gender identity to responding officers, and because they fear homophobic or transphobic treatment. Reportedly, reluctance to contact the police is particularly pronounced among transgender women. A number of other factors, including fear of treatment based on race or ethnicity, age, immigration status, socioeconomic status, and language barriers, contribute to underreporting. AI is concerned that these factors compound and foster a climate of impunity for perpetrators of hate crimes and other crimes.

RECOMMENDATIONS: Authorities should create working groups of representatives from the LGBT community, including the most marginalized, and law enforcement officials to coordinate efforts to address violence motivated by homophobia or transphobia.

▪ **HATE CRIMES**

Although some states and local authorities in the U.S. have taken legislative steps to address crimes motivated by discrimination, many state hate crime laws do not cover gender identity or sexual orientation. Thirty-three states including the District of Columbia have enacted state hate crime statutes that include sexual orientation, while only 10 states include gender identity/expression.

Out of the 29 police departments responding to AI's survey, 21 (72%) report that they

do track statistics of hate crimes based on an individual's sexual orientation. However, police departments in Atlanta, Georgia; Honolulu, Hawaii; Jackson, Mississippi; Kansas City, Missouri; Manchester, New Hampshire; and San Antonio, Texas reported that they do not track statistics of hate crimes based on sexual orientation.

Fifty-nine percent of police departments report that they track statistics of hate crimes based on an individual's gender identity. However, 34 percent of police departments report that they do not track statistics of hate crimes based on an individual's gender identity.

For the four cities studied, AI found disparities between the hate crimes reported by authorities and hate crimes documented by advocacy organizations. Advocates point out that a lack of documentation and coordination between federal, state and local agencies and community groups impedes efforts to examine, respond to and prevent violence.

▪ **Police Response to Hate Crimes**

In Los Angeles, three women attacked an immigrant transgender woman working as a street vendor. The women allegedly surrounded her and began verbally abusing her and threatening her because they did not want her in the neighborhood. When bystanders called the police, the officers reportedly responded, "If they kill her, call us."

A gay Latino man in Los Angeles reported that he returned home late one night to find "faggot" followed by his name and "vamos enseñar a ser hombre" (we 'll teach you to be a man) scrawled across his door. His upstairs neighbors reportedly had signed the message. He called the police, who did not respond until almost five hours later. When officers arrived, they had to locate the appropriate code for a hate crime in their manual, noting that they don't often use it and frequently list hate crimes as "something else." The officers then asked him if there had been any other incidents of verbal or physical abuse. When the man told officers there had not, but that he was fearful there would be, the officers told him that there was anything they could do because the threat was not a physical one.

In some cases, police officers reportedly refused to take a complaint of a potential hate

crime. Officers reportedly have trivialized incidents or **Stonewalled** attempts to file complaints.

AI heard several reports indicating that law enforcement officers frequently fail to properly identify hate crimes.

In certain cases reported, officers directly or indirectly suggested that survivors are in some way responsible for attacks against them; for example, indicating that the person “asked for it” or “provoked” an attack.

AI also received reports of police being verbally or physically abusive when individuals have come forward to report a hate crime, inappropriately focusing on a survivor’s sexual orientation or gender identity. Police responses to hate crimes are reportedly frequently abusive in cases involving transgender individuals.

AI welcomes attempts by some police departments or precincts to improve police response to hate crimes, for example the introduction of bike patrols in the Lakeview area of Chicago and the practice of the Los Angeles Sheriff’s Department to contact transgender advocates whenever a hate crime against a transgender individual is reported.

RECOMMENDATIONS: US authorities must ensure that police are trained to protect those who are attacked on the grounds of their sexual orientation or gender identity.

Specific written directives and training should be given to law enforcement officials on how to identify and investigate homophobic and transphobic crimes.

Federal, state and local authorities should ensure that prompt, thorough and impartial investigations are conducted into all reports of violence against LGBT individuals.

▪ **Domestic Violence**

Two Latino gay men were involved in a domestic dispute in New York. The police officers reportedly told them that if the police were called again they would both be arrested. The officers left without taking any action.

AI's research revealed that law enforcement responses to domestic and interpersonal violence involving LGBT individuals is inadequate and that police authorities are failing to act with due diligence to prevent and protect LGBT individuals from domestic violence, in contravention of international standards.

Only five out of 29 (17%) of police departments responding to AI's survey reported having specific policies on same sex domestic violence. Twenty-four (83%) reported that they provide some training to officers on same-sex domestic violence.

AI heard a number of reports from national organizations and from advocates in all of the cities studied of inadequate police responses to LGBT domestic violence incidents, including allegations that officers frequently fail to respond, or respond in an inappropriate manner.

Advocates in Chicago, New York, Los Angeles and San Antonio as well as in Washington, DC and San Francisco told AI that police often do not take LGBT domestic violence seriously.

In some cases, officers may fail to recognize that the incident has occurred in the context of an intimate relationship. According to advocates the police have greater difficulty in identifying the abuser when responding to LGBT domestic violence calls.

When police do attempt to identify the abuser in an LGBT domestic violence situation, reports to AI suggest that officers may make assumptions or rely on stereotypes based on gender identity or expression, race, immigration status, age and socioeconomic status. As a result, transgender survivors, immigrant survivors, survivors of color, the person perceived to be of lower socioeconomic status, or the youngest person are reportedly often assumed to be the abusers.

AI also heard a number of reports of police officers arresting or threatening to arrest both parties when responding to LGBT domestic violence in Chicago, New York, Los Angeles, San Antonio and Washington, D.C. AI also heard reports of officers making homophobic or transphobic comments when responding to LGBT domestic violence situations.

RECOMMENDATIONS: Law enforcement agencies must conduct prompt investigations of all reports of LGBT domestic violence, and ensure that officers are

thoroughly trained on how to investigate allegations of domestic violence. Training must include guidelines on identifying the abuser. Officers should not arrest both parties in order to avoid having to undertake a thorough investigation.

8. TRAINING AND ACCOUNTABILITY

▪ Training

While 20 out of 29 (69%) of police departments responding to AI's survey reported that they provide training on issues relating to LGBT individuals or communities, another 28 percent provide no such training. It is important to note that the police departments surveyed are in the largest city in each state and are more likely than smaller departments to develop training. Thus the problem may be wider than indicated by AI's survey.

Reports to AI indicate that when training on LGBT issues does take place it is frequently not provided in a systematic, ongoing manner but is limited to a session provided for new recruits at the police academy. It is of concern that officers who have been on the force for longer periods may not have received any LGBT training, as few departments offer any systematized in-service LGBT training.

Advocates have expressed concerns that trainings conducted without any input from community members do not properly convey the needs and rights of the groups in question. Some police departments rely heavily or sometimes exclusively on unpaid LGBT organizations to provide training without any input or 16 support from law enforcement trainers. Other police departments ask officers who happen to be lesbian or gay to conduct trainings although they may not be professional trainers.

While AI was unable to undertake a thorough review of the content of police departments trainings, our survey revealed that many police departments fail to provide officers with LGBT specific training, for example on interactions with transgender individuals or how to respond to LGBT hate crimes.

Training experts as well as law enforcement officers speaking with AI on condition of anonymity noted that LGBT "sensitivity" or "diversity" training is often ineffective. AI also heard reports that such training, when it does exist, often reinforces stereotypes and fails to change perceptions of bias.

RECOMMENDATIONS: All police departments should introduce training programs that include LGBT sensitivity training. Such training should reinforce that police misconduct and abuse against LGBT persons will not be tolerated and should be given at periodic intervals, not just during police academy.

- **Recruitment and Diversity**

on the Force Anecdotal evidence suggests there are relatively few LGBT officers who are in a position to be open about their sexual orientation or gender identity, although LGBT police officer associations exist in some larger cities. However, AI is only aware of a fairly small number of LGBT officers who serve on police forces in the U.S. According to AI's survey, only 14 percent of police departments report having an affirmative action hiring practice for LGBT individuals.

- **Community Accountability**

AI's findings indicate the need for the police to work more proactively to build effective relationships with the communities they serve. AI found a pattern of inadequate proactive outreach to LGBT communities, in particular the more marginalized, including LGBT people of color and homeless youth. Authorities need to ensure that policing policies and practices serve the interests of all members of communities and do not result in systemic discrimination of targeted and marginalized groups.

Local police should work proactively with their communities. This includes maintaining an effective consultative relationship with relevant community leaders and organizations, including LGBT individuals and groups, reaching out to marginalized communities, and appointing an LGBT liaison to serve as a link between LGBT communities and the police. Only 38 percent of responding police departments told AI they have an LGBT liaison officer.

Activists and individual police officers also brought up the need for diligent supervision and commitment from leadership in order to achieve effective reform and lasting change.

ACCOUNTABILITY FOR POLICE MISCONDUCT AND ABUSE

▪ **Complaint Systems**

In order for police departments to be held accountable for misconduct and abuse, there must be an effective system in place for members of the public to make complaints. AI found that when trying to make a complaint against a police officer, complainants may face daunting and complex procedures.

AI is concerned at reports in New York, San Antonio, Los Angeles, Chicago, Washington, D.C., Houston and San Francisco that suggest many people do not come forward with complaints about police officer abuse and misconduct, particularly LGBT people of color, LGBT homeless individuals, immigrants or youth.

AI has received a number of reports from LGBT individuals who faced hostility, ridicule or attempts to dissuade them from making complaints at police stations. AI is particularly concerned about reports of retaliation against people who have come forward with complaints against police officers.

RECOMMENDATIONS: Police authorities must establish effective, straightforward and accessible complaint procedures. This process should include ensuring that complaint procedures are displayed prominently at all police stations and in all languages relevant to the community; conducting extensive outreach to LGBT communities on how to access complaint mechanisms; accepting anonymous and third-party complaints; and protecting from intimidation those who file complaints against officers.

▪ **Internal Accountability Measures**

Once a complaint has been made it is usually investigated by a police department's internal affairs department. Internal oversight bodies frequently are not trained in handling complaints pertaining to LGBT individuals, sex workers, youth and other marginalized communities. Only five out of 11 (45%) of responding internal affairs departments told AI that they train their staff on LGBT issues, and of these only two have mandatory training.

AI's findings suggest that when officers undertake investigations of complaints against fellow officers, complainants face substantial skepticism. Furthermore, reports indicate that internal affairs investigators are more likely to believe an officer's testimony when

a member of a marginalized group, for example a sex worker or homeless individual, makes the complaint.

AI is concerned that time limits on internal investigations within some police departments impact the ability to fully investigate and bring disciplinary action against an officer. Such restrictions have led to cases reaching the time limit and being dropped before officers have been disciplined.

In the event that a complaint is sustained against an officer, disciplinary measures may often seem lenient compared to the alleged conduct. Even for serious abuses, reports indicate that a low number of officers are suspended or fired. The lack of transparent and consistent guidelines for disciplinary measures has been cited by monitors and organizations as a factor contributing to a lack of consistency.

Authorities must accept that while police officers are individually responsible for their actions, the systems that recruited, trained and supervised them are also responsible. Police departments have failed to identify and stop “problem officers” from repeatedly committing misconduct, as well as to tackle the larger systemic issues, which give rise to and allow such misconduct to take place, often with impunity.

RECOMMENDATIONS: There should be greater transparency in internal investigations of complaints of misconduct and abuse made against the police. Police departments should provide information on the internal disciplinary process by publishing regular statistical data on the number and type of complaints filed, the outcome of the investigation and disciplinary action. They should publish regular statistics on the number of complaints of abuse and misconduct based on real or perceived sexual orientation or gender identity.

Police departments should establish effective tracking and monitoring systems of complaints, including early warning systems to identify abusive officers and to identify systemic patterns of abuse, including racial bias, or bias based on sexual orientation or gender identity and expression.

Police authorities should issue and enforce clear guidelines requiring officers to report abuses by fellow officers. There should be strong penalties for failing to report or for covering up misconduct.

▪ **Independent and External Civilian Oversight**

While the majority of responding police departments told AI they have some kind of external review process, 24 percent of responding departments report that they do not.

In general, survey responses from external oversight bodies indicated a lack of focus on and expertise in LGBT issues, raising concerns about the ability of external review boards to respond to and adequately investigate complaints made by this population. Of the nine Civilian Complaint Review Boards responding to AI's survey only 11 percent report having a policy on how to handle complaints filed by LGBT individuals; 22 percent report having a LGBT liaison; 11 percent report offering training for staff on LGBT issues; and 33 percent report that they have a practice to recruit LGBT individuals.

Criticism has been expressed at a number of external review boards for failing to live up to the expectation of their mandate. In many instances, this critique appears in part to be reflective of limitations on external review boards power, funds, staff, and access to information. In nearly all cases, external review systems have an advisory function, and the Chief of police remains responsible for deciding on discipline.

▪ **Prosecutions and Lawsuits**

Very few criminal cases involving excessive use of force or discriminatory practices are brought against individual police officers. Even successful prosecutions have usually only been able to prove the guilt of the individual officer, rather than system failings.

Individuals may also bring civil claims against individual law enforcement officers and, under some circumstances, municipalities, for monetary compensation. While civil lawsuits may provide financial compensation, they are unlikely to be filed by the most marginalized individuals in a community and rarely serve to hold either police departments or individual officers accountable.

RECOMMENDATIONS: Local, state and federal authorities should establish effective, independent oversight bodies for their respective police agencies with powers to investigate and review complaints against individual police officers as well as broader policy issues and patterns of concern, and to issue detailed public reports.

Oversight bodies should be trained in handling complaints pertaining to LGBT individuals, in particular, sex workers, youth and other marginalized groups within the LGBT community, as well as to conduct outreach to other marginalized groups to make sure that their concerns are heard.

Authorities should ensure that all allegations and reports of police abuse and misconduct are promptly and impartially investigated. All officers responsible for abuses should be adequately disciplined and, where appropriate, prosecuted.

9. IDENTITY-BASED DISCRIMINATION

Amnesty's research clearly demonstrates that discrimination, the systematic denial of rights to certain people, is a grave human rights abuse that can often lead to further human rights abuses. Institutionalized discrimination dehumanizes its victim, who is deemed as someone who can be treated inhumanely. Institutionalized discrimination feeds impunity, denies justice and can incite violence against targeted people or groups. Discriminatory practices and policies have tremendous consequences for targeted groups not only in terms of the nature of their ill-treatment by government agents or society at large, but also in terms of their access to redress and equal protection under the law. Discrimination also often leads to a lack of official action, such as investigations into alleged abuses, which further reinforces impunity.

Stonewalled confirms that in the US, LGBT people continue to be targeted for police abuse and brutality. Such human rights violations take place within the context of

homophobia and transphobia, but are also motivated by other forms of discrimination based on race, ethnicity, economic status, as well as stereotyped and rigidly-held ideas about gender—all factors that profoundly impact victims' access to justice. These different forms of discrimination are mutually reinforcing. In many cases documented in this report, it is difficult to separate the underlying forms of discrimination that trigger the abuse. Police abuse and misconduct are part of a broader spectrum of violence against LGBT people that includes violence in the community and family. These abuses are linked to ongoing problems of discrimination and must be addressed within the larger context of the need for the recognition and protection of the full human rights of LGBT people, including their economic, social and cultural rights.

AI's findings strongly suggest that transgender people, people of color, young people,

sex workers and immigrants within the LGBT community are at a heightened risk of being targeted for police abuse and misconduct. Reports to AI indicate that individuals from these populations within the LGBT community are more likely to have negative interactions with the police. Several factors contribute to exposing these populations to high risks as targets for serious human rights abuses.

- **Transgender People**

Transgender people are among the most discriminated-against members of the LGBT community, sometimes encountering prejudice from within the lesbian, gay and bisexual community. Endemic prejudice combined with lack of legal protection puts many transgender people at critical risk for poverty and homelessness. Nearly 70 percent of transsexual people in some cities in the US are reportedly unemployed or underemployed. Reports indicate that a significant proportion of the transgender community is homeless, particularly transgender persons of color and immigrants. Many are faced with life on the streets, and as a result, face heightened risk of human rights abuses. As noted in the section on Profiling, transgender and gender variant individuals may be targeted for police harassment and abuse simply for who they are. In order to make money for food and rent, some may resort to engaging in illegal activity, such as sex work, further increasing the likelihood of encounters with (and possible abuse by) law enforcement.

- **Communities of Color**

"Being Black and being trans gives the police the right to do what they want. I was sat on a stoop trying to find something in my bag. An officer from the 10th Precinct asked me for my ID and then gave me a ticket for disorderly conduct. The officer told me that if he saw me in the area again, he would arrest me."

Race in particular plays an important role in increasing the likelihood that an LGBT person will be targeted for police abuse. The targeting of LGBT people of color by law enforcement mirrors the systemic racism found in policing in the US in general. These findings are consistent with previous AI documentation, as well as reports by numerous other organizations, indicating a strong correlation between race and the likelihood that an individual will experience human rights abuses at the hands of the police in the US.

Throughout the report, AI's findings indicate that race continues to be a motivating factor in presumptions of criminality, and that racism compounds the homophobic and transphobic treatment of LGBT people of color by police. Incidents reported to AI strongly suggest that racism, homophobia and transphobia are mutually reinforcing and have a profound impact on an LGBT individual's experience of police abuse.

Women of color also are impacted by race-based policing, and reports to AI indicate that transgender women of color may be at heightened risk of being targeted by the police.

▪ **Young LGBT People**

Monique, a 17-year-old Hispanic lesbian, told AI that she was with three straight friends when park police in San Antonio stopped her. Officers asked for her ID and threatened to arrest her. One officer reportedly said, "I could put you in jail for not having your ID." Monique told AI, "My straight friends don't get asked even if they are the ones driving. They ask me all the questions."

Report findings suggest that LGBT youth are more likely to experience human rights abuses by police than LGBT people in general. Youth of color and transgender youth are particularly likely to be targeted for abuse.

Young LGBT people face a number of challenges stemming from society's reaction to their age and their sexual orientation and/or gender identity. Various reports have indicated that in addition to homophobia and transphobia, rejection from family, domestic violence, ensuing homelessness, substance abuse, mental illness and harassment in schools may cause some youth to resort to engaging in illegal activity, increasing the likelihood of interaction with law enforcement and potential for abuse.

A Rhode Island study found that nearly half of LGBT youth end up having to leave the home because of their families' reaction to their sexual orientation or gender identification. Some end up in the foster care system; others become precariously housed or homeless. It has been estimated that in some US cities up to 40 percent of homeless youth are gay, lesbian, bisexual or transgender. LGBT youth who are homeless may commit offenses such as sex work and theft in order to survive life on the street, which invariably increases their contact with law enforcement. One study found that up to half of the gay and bisexual young men forced out of their homes due

to sexual orientation engage in sex work to support themselves.

AI notes that young LGBT people have very few spaces to socialize and congregate, as many may not be able to be “out” at home and they do not have access to age-restricted, fee-paying venues. LGBT youth will therefore often tend to congregate in LGBT-friendly areas where they feel safe. AI has received a number of reports indicating that young LGBT people are subjected to police misconduct, harassment and abuse in the context of policing “quality of life” regulations curbing activities such as “loitering” or “unreasonable” noise.

- **Poverty and Homelessness**

In Chicago, a 16-year-old gay, white, homeless youth reported that two officers would pull him over whenever they saw him, subjecting him to verbal harassment. They reportedly assumed he was a sex worker, and allegedly subjected him to homophobic comments and slurs, often with sexual undertones, such as: “You’re having anal sex with everyone else, why not with us?” and “You may as well come over and do me.”

Contrary to the popular myth of the “affluent gay community,” reports indicate that the LGBT community earns, on average, less than the general population. And pervasive discrimination combined with lack of legal protection puts many of the most marginalized populations within the LGBT community, such as transgender people, young people and people of color, at high risks for poverty and homelessness (see previous sections).

LGBT homeless individuals may be specifically targeted by law enforcement for discriminatory application of “quality of life” legislation or other police abuse. Reports to AI indicate that the increased focus on policing “quality of life” ordinances, such as those criminalizing the consumption of alcohol, storage of belongings, and urination in public spaces, tend to be discriminatorily applied towards communities that, due to poverty and homelessness, have no choice but to engage in such activities in public spaces. AI is concerned that increased focus on such activities inherently has the effect of “criminalizing” homelessness.

Reportedly, homeless or domestic violence shelters often do not welcome and are unsafe for LGBT people. AI has received reports that the transgender community, in

particular, experiences discrimination and abuse in the shelter and temporary housing systems and is often refused access to domestic violence shelters.

- **Sex Work**

A white transgender woman was arrested during a sex work sting operation in Los Angeles. Officers allegedly questioned her as to whether she had undergone sex reassignment surgery and strip-searched her in front of three other officers, apparently in order to determine her genitally determined sex. During the search, one of the officers reportedly grabbed her head and slammed it into a wall with such force that the bone holding her front teeth was broken, requiring medical treatment.

AI heard reports of sexual, physical and verbal abuse against LGBT individuals perceived to be sex workers by police. The most serious abuses reported to AI in particular were of transgender individuals, individuals of color, immigrants, and young people and homeless individuals who engage in sex work. AI also heard reports of widespread arbitrary arrests of individuals profiled as sex workers on the basis of their sex, gender and gender expression, race or ethnicity, and immigration status.

Stigmatization of and discrimination against LGBT people, particularly transgender individuals, people of color, immigrants and youth, in accessing human rights such as education, housing and work can limit their choices and may, in some instances, be contributing factors in the decision to engage in sex work. Ending discrimination and promoting economic and social rights of LGBT individuals are therefore important to address sex work and the violence and abuse often associated with it.

- **Immigrants**

In Los Angeles, a gay Filipino survivor of domestic violence was reportedly beaten on several occasions by his partner, a white US citizen. When police responded to one altercation, they reportedly arrested the Filipino man and threatened to report him to immigration authorities, saying, "You're not a citizen. We should deport you, you shouldn't be hitting Americans; you're not an American."

Reports indicate that LGBT immigrants in the US face significant challenges based on their immigration status, race, sexual orientation and/or gender identity or expression, as well as language barriers—all factors that increase vulnerability to police

misconduct.

Reports from advocates suggest that there are a number of LGBT immigrants living in the United States, many of whom have fled persecution in their countries of origin based on their sexual orientation or gender identity or expression. Reportedly, many LGBT immigrants, particularly the most vulnerable populations like youth and transgender individuals, often do not attempt to gain legal asylum rights despite the danger they face if deported because they are either unaware of this right or because they are afraid of revealing their sexual orientation, gender expression or identity to authorities.

AI has received reports of police officers threatening LGBT immigrants, or LGBT individuals perceived to be immigrants, with deportation. Discriminatory targeting of immigrants by law enforcement, including on the basis of sexual orientation or gender identity and expression, would violate international standards prohibiting discrimination. Authorities must ensure that individuals are not removed to countries where they may be at serious risk of human rights abuses.

RECOMMENDATIONS: Addressing the issue of police abuse and misconduct requires an integrated approach that recognizes the relationship between different forms of discrimination, and how they create the social conditions in which identity-based human rights abuses thrive. AI's findings clearly demonstrate that the issue of police brutality cannot be tackled without looking at the full range of human rights issues affecting the LGBT community including access to basic social, economic and cultural rights. This is particularly important in any attempt to adequately address the needs of those most marginalized groups within the LGBT population.

The findings of this report indicate that there is a need to take action to deal with widespread discrimination and abuse in the realm of policing, yet there is also the need for other actors in society, including national, state and local governmental entities, to take steps to address the pervasive discrimination that LGBT people in the U.S. continue to face.