



Protected and Served?

Police

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Introduction

"I was 14 years old when my adoptive sisters and I were in a severe accident. The damages and injuries were extensive. My older sister was asked who our parents were, and she told them the names of our two moms. The officer gave my sister a puzzled look and asked, 'Who is your father?' My sister responded with, 'We have lesbian parents.' The officer without hesitation told her, 'We don't recognize that in this state.' This incident only added to the horror of the terrible accident we were in. Our moms reported the incident, but nothing was done about it." —Michael, Menomonie, WI



"I was arrested and charged with prostitution at a local casino. While the case was subsequently dismissed without going to court, during my arrest, I was physically and verbally assaulted by the arresting officers and others. I was put in handcuffs so tight that my wrists swelled up and turned purple. My face was shoved into a wall while I was handcuffed. The officers threatened, mocked and demeaned me for being transsexual." — Natalie, Las Vegas, NV

As part of the Protected and Served? survey, Lambda Legal asked respondents to share their personal stories of mistreatment by police, in courts, in prisons and by school security toward LGBT and HIV-positive people. See other stories or contribute your own [here](#).

Police officers are charged with serving and protecting the public—all of the public. Yet lesbian, gay, bisexual and transgender (LGBT) people and people living with HIV have often been given good reason to be wary of whether that responsibility includes them. Police have targeted LGBT people and the places they congregate and socialize, including certain bars and parks, for unwarranted searches, arrests and raids. Some police officers have also demonstrated prejudice and hostility based on actual or perceived sexual orientation, gender identity or HIV status.

In 2012, Lambda Legal—a national organization committed to achieving full recognition of the civil rights of LGBT people and people living with HIV through impact litigation, education and public policy work—conducted a national study exploring the issue of government misconduct by the police, courts, prisons and school security against LGBT people as well as people living with HIV in the United States. (Note that in our findings, one of the categories we use, based on self-definitions, is “transgender or gender-nonconforming [TGNC]”).

A total of 2,376 people completed the individual survey. Respondents were also given the opportunity to share their own accounts of their experiences with government misconduct and some of those stories are also incorporated into this report.

Among the survey respondents, 1682 (73% of those responding to this question) said they had face-to-face contact with the police within the past five years. Many LGBT people and people with HIV reported that they felt discriminated against when dealing with police department officers and personnel.

In recent years Lambda Legal has filed discrimination lawsuits against police on behalf of LGBT people who have experienced harassment and unfair treatment. Defendants in these cases have included:

- **Westchester County Police** in New York for releasing sealed information—including names, photos, towns of residence, and original arrest charges—about more than a dozen men whose charges had been dropped, as part of "Operation Overexposed," a police sting targeting gay men.
- **the Atlanta Police Department** for aggressively and illegally raiding a gay bar called the Atlanta Eagle. During the raid, police detained and searched the bar's patrons, forced them to lie face-down on the floor, and subjected them to verbal abuse. Not a single patron was charged with any crime as a result of that raid.
- **the Johnson City Police Department (JCPD)** in Tennessee for issuing a press release that included photos of 40 men arrested in a public sex sting. Lambda Legal reviewed hundreds of news releases issued by the JCPD and found that no other release about arrests included photos. Lambda Legal client, Kenneth Giles said he lost his job because of the publicity about his arrest.

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What the Study Found

"I was called a faggot and beaten up by police officers right here in the nation's capital, then charged with assaulting them and forced to plead guilty to being under the influence of my HIV meds."—Andrew, Washington, DC

Our survey responses included many aspects of interactions with police, which broadly can be described by the following two categories: 1) Misconduct and 2) Unsatisfactory Response.

Sometimes police officers themselves harass and assault LGBT people and people living with HIV. These serious forms of police misconduct are damaging and illegal. Police harassment and assault are destructive to the lives of victims, obviously, and they are also destructive to the prospect for the police of building trust within LGBT communities and people living with HIV.

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Hostile attitudes

Many respondents reported that police officers' attitudes toward them had been hostile. Among the 1682 respondents who reported having face-to-face contact with police in the past five years, the percentages who reported hostile attitudes from officers included:

- 21% of all relevant survey respondents
- 31% of respondents age 30 and under
- 32% of respondents of color (including 26% of Native American, 27% of African American and 40% of Latina/o respondents)
- 32% of TGNC respondents (30% of transgender)
- 35% of low-income respondents
- 38% of respondents of color under 30

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Harassment and assault

Harassment and assault by police are far too common occurrences in LGBT and HIV-positive communities. More than one in eight respondents (14%) who had police contact in the past five years reported verbal assault by police, while 3% reported sexual harassment and 2% reported physical assault.

People of color, low-income people, and people living with HIV reported harassment and assault by police more frequently than survey respondents as a whole. The percentage of respondents with police contact in the past five years who reported harassment or assault by police included:

Physically assaulted by police:

- 2% of all respondents
- 4% of respondents of color
- 4% of TGNC respondents
- 5% of low-income respondents
- 6% of HIV-positive respondents

Sexually harassed by police:

- 3% of all respondents
- 5% of respondents of color
- 5% of HIV-positive respondents
- 7% of low-income respondents
- 7% of TGNC respondents

Verbally assaulted by police:

- 14% of all relevant respondents
- 21% of relevant HIV-positive respondents
- 22% of relevant TGNC respondents
- 24% of relevant respondents of color
- 25% of relevant low-income respondents

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Immigration Checks and Physical Searches

Only 1% of survey respondents with police contact in the past five years who reported their race as white said that police asked them to prove their immigration status. In contrast, certain groups of respondents were more likely to be asked for proof of their immigration status, including:

- 2% of all respondents with police contact in the past five years
- 2% of TGNC respondents
- 5% of Native American respondents
- 6% of black respondents
- 8% of Latina/o respondents

(A statistically insignificant number of respondents identified as immigrants).

Black and Latina/o respondents were also much more likely than LGBT or HIV-positive people of other races to be physically searched during their police contact within the past five years, including:

- 10% of all respondents with police contact in the past five years
- 18% of TGNC respondents
- 21% of black respondents
- 21% of Latina/o respondents
- 22% of similar Native American respondents

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False Accusation and False Arrest

It is important to note that our survey's responses are self-reported incidents of false accusation and false arrest, and that those responses have not been verified by Lambda Legal. Still, these numbers indicate troubling disparities in police treatment of people who are LGBT and people with HIV according to race/ethnicity, income level and gender identity.

Those who say they were falsely accused during police contact within the past five years include:

- 20% of all respondents with police contact in the past five years
- 28% of respondents of color
- 30% of low-income respondents
- 34% of TGNC respondents

Those who say they were falsely arrested during police contact within the past five years include:

- 4% of all respondents with police contact in the past five years
- 6% of TGNC respondents
- 8% of respondents of color
- 8% of low-income respondents

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Neglect of Police Misconduct Complaints

When LGBT and HIV-positive people experience police misconduct, many file complaints about their negative experiences, either with other police officers or police monitoring boards.

However, among the 205 (out of 2,376 total) respondents who complained about police misconduct in the last five years, 71% said that their complaint was not fully addressed by those they reported it to.

Low-income and TGNC respondents reported higher levels of neglect of a police misconduct complaint: 84% of low-income complainants and 83% of TGNC complainants reported that at least one police misconduct complaint in the last five years was not fully addressed.

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Unsatisfactory Police Response

Many respondents reported inadequate or indifferent responses by law enforcement officials to reports of property crimes and assaults. The rate of dissatisfaction was significantly higher when the person reporting the crime is low-income or a person of color. (Our survey respondents' self-reported experiences with police are not the equivalent of an objective evaluation of the adequacy of police response to reported crimes).

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Inadequate Response to Complaints of Physical Assault

Eleven percent of all survey respondents reported that they were a victim of physical assault (of all types, not just those related to their orientation, identity, or expression) in the last five years. TGNC people (35% of all TGNC respondents) and low-income people (44% of all low-income respondents) are much more likely to report having been the victim of physical assault.

Of the 238 respondents who experienced physical assault:

- nearly two-thirds (62%) reported experiencing at least one incident in which police failed to fully address their complaints about physical assault.
- HIV-positive respondents and transfeminine respondents reported having experienced police neglect of physical assault at higher rates: 73% of HIV-positive personal assault victims and 70% of transfeminine respondents say they experienced police neglect of their physical assault complaint, compared to 59% of HIV-negative physical assault victims and 60% percent of cisgender (non-TGNC) assault victims.

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Inadequate Response to Reports of Property Crime

One-third of our survey respondents (33%) had been the victim of property crime in the previous five years. Of those 772 respondents, nearly half (49%) said they experienced at least one incident in which police failed to fully address their complaints about property crime.

Within this pool of 772 respondents, transgender and gender-nonconforming people (TGNC) and people of color were more likely than other respondents to report police indifference or lack of proper response to property crime. This included:

- 58% of TGNC respondents
- 59% of African-American respondents
- 62% of Latina/o respondents
- 70% of Native American respondents

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Inadequate Response to Reports of Intimate Partner Violence (IPV)

More than one out of ten respondents (11%, or 251 respondents) had been the victim of IPV (or domestic violence) in the previous five years.

The percentages of certain respondent groups who experienced IPV are higher than the survey sample as a whole, including:

- TGNC people (28%)
- people of color (32%)
- low-income people (42%)
- and people under 30 (43%)

Of the 251 respondents who experienced IPV, 41% reported experiencing at least one incident in which police failed to fully address their complaints about IPV. Some respondents were even more likely to report experiencing police neglect of IPV than others. Of those who reported IPV to the police, an inadequate response was reported by:

- 48% of African-American respondents
- 49% of TGNC respondents (56% of transfeminine and 46% of transmasculine respondents)
- 54% of HIV-positive respondents

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Inadequate Response to Reports of Sexual Assault

More than one out of 20 respondents (6%, or 135) had been the victim of sexual assault in the previous five years. The percentages are higher for particular groups of respondents, including:

- African American respondents (8.2%)
- Latina/o respondents (8.9%)
- TGNC respondents (15.5%)
- Native Americans respondents (16%)

Of the 135 respondents who reported that they had been sexually assaulted, 39% experienced at least one incident in which police failed to fully address their complaint. Some groups were more likely to report police neglect of sexual assault complaints than others, including:

- 45% of low-income respondents
- 46% of disabled respondents
- 52% of TGNC respondents
- 53% of respondents of color
- 60% of Native American respondents
- 62% of Latina/o respondents
- 65% of TGNC respondents of color

Overall, respondents in this survey reported much higher levels of police neglect than did respondents in a 2011 national survey by the Bureau of Justice Statistics on the general population (although the questions were not fully comparable), which found that 18% were not satisfied by the police response to a reported crime, disturbance, or suspicious activity.

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Key Recommendations

Police departments should:

- include sexual orientation, gender identity and expression, as well as HIV status, sex, race and ethnicity, in nondiscrimination policies, guidelines and resolutions. While our constitution commands equal treatment of people without regard to these characteristics, including an express prohibition increases the likelihood of compliance, and makes it easier to enforce.
- ensure that Police Patrol Guides and similar guidelines explicitly include a commitment to equal and respectful treatment of people who are LGBT, people living with HIV, and people of all racial and ethnic backgrounds, including explicit procedures for the respectful treatment of transgender people. These guidelines should specifically explain that police officers will be held accountable for failing to comply. For examples, see the patrol guides and policy manuals of [New York City](#), [New Orleans](#) and [Los Angeles](#), all of which were adopted after intense, long-term community pressure.
- adopt or amend policies prohibiting discriminatory practices, such as profiling based on race, ethnicity, HIV status, sex, sexual orientation, and gender identity and expression — practices that disproportionately affect people of color, low-income people, LGBT people, and gender non-conforming people.
- hire and promote qualified police officers and leaders across all levels of the department who demonstrate the interpersonal skills necessary to get along with peers, instructors, supervisors, and others, and demonstrate that they are able to interact professionally, regardless of the social standing, ethnic background, culture, gender, gender identity or expression, sexual orientation, or religion of other people.
- institute “early warning systems” to flag officers who have engaged in insensitive or abusive behavior and follow up with training, discipline or reassignment as necessary. When hiring police chiefs and related leadership positions, states and municipalities should ensure that final candidates are supportive of the rights of LGBT people and people living with HIV.
- implement mandatory cultural competency training for employees at all levels of the department, with content specific to the duties of the personnel being trained. The training should address issues relevant to the LGBT community. These trainings should be led by non-police personnel and with participation and input of community members.
- implement mandatory training about HIV for employees at all levels of the department, with content specific to the duties of the personnel being trained. The training should address issues like the need for confidentiality and accurate information about how HIV is transmitted. These trainings should be led by non-police personnel and with participation and input of community members.
- incorporate nondiscrimination policies and disciplinary consequences for non-compliance into union contracts to ensure consistent implementation.
- adopt a community-based complaint mechanism where victims of police misconduct and discrimination can report incidents in a safe, welcoming environment, with options for anonymous reporting (For example, the [Civilian Complaint Review Board](#), an independent agency in charge of monitoring New York Police Department behavior). Adopt internal complaint mechanisms that ensure that those who report misconduct, including officers, are not retaliated against, and that any retaliation by officers or commanders against either community members or other officers is severely punished.
- designate personnel or an advisory board to be liaisons with the LGBT and HIV-positive communities, whose mission includes improving communications and relationships with those communities, and increasing departmental awareness, training and knowledge of LGBT and HIV-related issues.
- capture and track complaints alleging racial and other profiling based on bias with regard to sexual orientation or gender identity or expression. Data collected should include characteristics of the complainants (including but not limited to sexual

orientation and gender identity or expression) as well as the outcome of investigations and any disciplinary actions taken. Regularly report on the number of complaints of misconduct based on sexual orientation or gender identity.

- work with LGBT community advocates and anti-violence groups to maintain up-to-date training and to ensure that policies and procedures are successfully implemented.

All government agencies included in the *Protected and Served?* survey, including police departments, courts, prisons and schools, should adopt comprehensive non-discrimination policies that:

- prohibit bias and discrimination based on sexual orientation, gender identity and expression and HIV status;
- ensure that culturally competent services and treatment are provided to LGBT and HIV-positive detainees. Police, court, jail/prison and school staff (including but not limited to police officers, police clerks, attorneys, judges, guards, schools security guards, school-based police and school safety officers) should undergo significant cultural competency trainings about sexual orientation, gender identity and expression, and HIV status so they will be able to treat all members of the LGBT community in a respectful, nondiscriminatory manner. These trainings should have a particular focus on gender identity and expression cultural competency, to emphasize the importance of improving the treatment of TGNC people. Additionally, these trainings should address HIV confidentiality and transmission, to improve the treatment of HIV-positive people;
- provide a transparent and accessible oversight process for reporting and redressing discrimination complaints, combined with clear and enforced disciplinary procedures;
- include employment policies that can help improve the hiring and retention of LGBT employees as well as contribute to a more LGBT-friendly environment.

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Lambda Legal | 120 Wall Street, 19th Floor, New York, NY 10005 | P - 212-809-8585