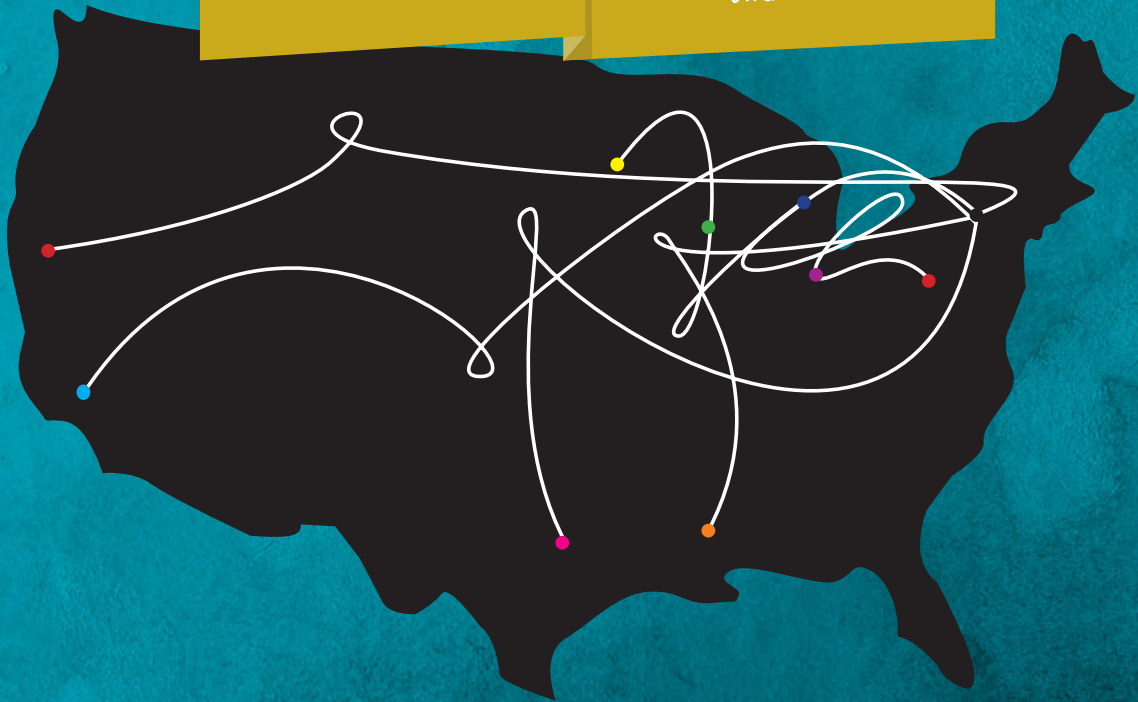


GET YR RIGHTS

A TOOLKIT

FOR LGBTQTS YOUTH,
AND LGBTQTS YOUTH-SERVING
ORGANIZATIONS



BREAKOUT!
STREETWISE AND SAFE

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ABOUT THE CREATORS OF THIS TOOLKIT

BREAKOUT! seeks to end the criminalization of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth to build a safer and more just New Orleans. We build on the rich cultural tradition of resistance in the South to build the power of LGBTQ youth ages 13-25 and directly impacted by the criminal justice system through youth organizing, healing justice, and leadership development programs.

STREETWISE AND SAFE (SAS) works to build and share leadership, skills, knowledge and community among LGBTQ youth of color who experience criminalization, particularly in the context of what is known as **broken windows policing**: the policing of poverty, “quality of life” offenses, and involvement or perceived involvement in survival economies. We conduct “know your rights” workshops specifically tailored to LGBTQ youth of color where we share critical information about rights in the criminal legal system as well as strategies to increase safety and reduce the harms of interactions with police. SAS works to create opportunities for LGBTQ youth of color to claim a seat at policy discussion tables as full participants, speak out on their own behalf, act collectively to protect and advance their rights, and demand choices that allow them to maximize their safety, self-sufficiency, and self-determination.

ABOUT LGBTQTS YOUTH AND DISCRIMINATORY POLICING

Across the country and around the world, lesbian, gay, bisexual, transgender, queer, and Two Spirit (LGBTQTS) youth – particularly LGBTQTS youth of color - experience widespread profiling, harassment, targeting, and physical and sexual violence by police.¹ Non-heterosexual youth are more likely to be stopped by the police and experience greater criminal justice sanctions not explained by greater involvement in violating the law.² A New York City study found that LGB youth are more likely to experience negative verbal, physical, and legal contact with the police than their heterosexual peers, and more than twice as likely to experience negative sexual contact with law enforcement.³

¹ Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston: Beacon Press, 2011) (“Queer Injustice”); “Stonewalled: Police Abuse and Misconduct Against LGBT People in the United States” (Washington: Amnesty International, 2005), available at <http://www.amnesty.org/en/library/asset/AMR51/122/2005/en/2200113d-d4bd-11dd-8a23-d58a49c0d652/amr511222005en.pdf> (“Amnesty International”)

² Kathryn E. W. Himmelstein and Hannah Brückner, “Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study,” *Pediatrics* 127 (1) (2011): 49-57

³ Brett G. Stoudt, Michelle Fine, and Madeline Fox, *Growing Up Policed in the Age of Aggressive Policing Policies*, 56 N.Y.L. Sch. L. Rev. 1331 (2011)

Among LGBTQTS youth, LGBTQTS youth of color, homeless LGBTQTS youth and youth living in low income communities, immigrant LGBTQTS youth, transgender youth, and youth whose appearance or behavior is perceived to be gender or sexually non-conforming are particularly likely to experience police profiling and abuse.⁴ In New Orleans, a participatory research study of LGBTQ youth experiences with the police conducted by BreakOUT! found that LGBTQ youth of color were more likely to report contact with the police, homophobic and transphobic harassment, being asked for sexual favors by the police, and having been arrested themselves when calling the police for help. This same study found transgender people far more likely to be harassed by the police than cisgender LGB people. Transgender survey respondents reported more contact with the police, more experience being asked for sexual favors, and more experience being profiled as being involved in in the sex trade than cisgender respondents.⁵

“*The policing of Brown and Black people begins with the color of our skin, our race, our ethnicity, and our youth, but it does not end there. What is hidden in the official numbers is how NYPD profiles us based on our actual or perceived sexual orientation, and based on our actual or perceived gender expression and our gender identity. Our bodies, our lives as LGBTQ youth are policed.*

– Mitchyll Mora, *Streetwise and Safe (SAS)*

Racial profiling and discriminatory policing affect all members of communities of color, including LGBTQTS youth of color. Similarly, policing of Indigenous communities affects LGBTQ and Two Spirit members of those communities. Sometimes the experiences of LGBTQTS youth of color look similar to those of other youth of color and Indigenous youth, involving profiling and targeting for drug and violent offenses, discriminatory stops, searches, harassment, and physical violence. Sometimes police profiling, harassment and violence affecting LGBTQTS youth takes on gender and sexuality specific forms – like being profiled for prostitution-related offenses or lewd conduct, being called homophobic or transphobic names during stops, being harassed when identification documents don't match gender identity or expression, being subjected to illegal searches to assign gender based on anatomy, or being held in unsafe conditions in police custody. Police responses to violence against LGBTQTS youth are also often sites of violence, discrimination, and denial of protection.

⁴ Lambda Legal, “Protected and Served? Survey of LGBT/HIV Contact with Police, Prisons, Courts, and Schools,” Treatment by the Police (2014); Amnesty International.

⁵ BreakOUT! in collaboration with the National Council on Crime and Delinquency.

⁶ We Deserve Better: A Report on Policing in New Orleans By and For Queer and Trans Youth of Color. October, 2014

⁶ Nicholas Ray, “Lesbian, Gay, Bisexual And Transgender Youth: An Epidemic Of Homelessness” (National Gay and Lesbian Task Force Policy Institute and National Coalition for the Homeless, 2006), available at www.thetaskforce.org/reports_and_research/homeless_youth.

LGBTQTS youth also experience disproportionate levels of homelessness – 20 to 40% of homeless youth identify as LGBT, and one in four LGBT youth will leave or be kicked out of their homes at some point in their lives. Experiences of poverty and homelessness place LGBTQTS youth squarely in the cross-hairs of “quality of life” policing practices which target otherwise non-criminal conduct like standing, sitting, lying, eating, drinking and urinating in public spaces, leaving them with no way to escape constant police attention in highly policed areas, and rendering them targets of policing and punishment of criminalized survival strategies like trading sex for survival needs.

These realities mean that much of the organizing around policing of LGBTQTS youth – and the work highlighted in each of case studies featured in this toolkit - is most directly focused on the experiences of LGBTQ youth of color, Indigenous and Two Spirit youth, immigrant youth, and LGBTQTS youth who have experienced homelessness and criminalization of the strategies they use to survive. LGBTQTS youth have challenged discriminatory policing practices affecting them within the larger context of movements for racial and economic justice, as members of broader communities targeted for discriminatory, unlawful, and abusive policing tactics. LGBTQTS youth have also worked to broaden conversations around racial profiling and police violence to add the experiences, voices, and visions of LGBTQTS youth of color.

In light of these realities, the key lessons and recommendations in this toolkit focus on the importance of solidarity within communities affected by profiling and police abuses, building strong coalitions across constituencies, and of not raising or organizing around policing of LGBTQTS youth as a single issue, but rather one squarely situated in larger movements for racial, economic, immigrant and gender justice.

ABOUT THIS TOOLKIT

The **Get Yr Rights toolkit** was created by **BreakOUT!** and **Streetwise and Safe (SAS)** to serve as a resource to lesbian, gay, bisexual, transgender, queer/questioning, and two-spirit (LGBTQTS) youth and LGBTQTS youth-serving organizations. For far too long, we have worked on our own or in limited circles. We have depended on our own creativity and resourcefulness to develop strategies, and on our personal friendships and connections to share them with each other. We have made change locally and created safety for each other, but had limited ability to share our work and campaigns – successful or not – with others who would find it useful.

We are at a moment of both unprecedented wins for our communities and of continuing struggle. In this historical moment, LGBTQTS youth and LGBTQTS youth-serving organizations have an opportunity to change policies that affect material conditions and lived realities of criminalized LGBTQTS youth on the ground. This toolkit is meant to serve as a resource to share the ways people directly impacted by profiling, policing, and criminalization have made these kinds of changes in our communities. Our intention is to make the resources, strategies, and policies we are aware of that can contribute to addressing the profiling, policing and criminalization of LGBTQTS youth broadly available to a wide range of organizations across the country.

We also want to help shift the narrative of what is a queer issue, and what LGBTQTS advocacy looks like. Though rarely centered in mainstream advocacy about either LGBTQTS rights or policing, we have learned through our work on the ground and our personal experiences that profiling and policing are among the primary issues affecting the lives of LGBTQTS youth, particularly LGBTQTS youth of color. . We know that all of these realities, along with systemic racism, sexism, transmisogyny and homophobia, contribute to experiences of discriminatory policing. The strategies outlined in this toolkit are strategies for collective survival for LGBTQTS youth living at all of these intersections, and they are a critical piece of LGBTQTS advocacy that has the potential to transform young people's lives. We are sharing these policy strategies in an effort not just to change the material conditions of LGBTQTS youth of color on the ground, but to build power among LGBTQTS youth.

In 2013, LGBTQTS youth from around the country gathered in Detroit to attend *Werk It!*, an Allied Media Conference Network Gathering co-organized by FIERCE, an organization which has been engaged in groundbreaking work around the policing of LGBTQ youth for over a decade in New York City, and Branching Seedz of Resistance, a youth-led project working to build community power to break cycles of violence affecting LGBTQ young people in Denver, CO. At this gathering, youth shared their organizing work and experiences, as well as their ideas for making change and building queer and trans youth power. For one of the gathering exercises, youth were asked to write things that they wanted to see happen that could change the daily lives of LGBTQTS youth on flip chart papers. Someone wrote: “National Know Your Rights Network.”



This sparked conversations among youth throughout the rest of the conference about what a national “know your rights” network could look like and how it could support local organizations who were doing or wanted to do work around policing of LGBTQTS youth. SAS and BreakOUT! youth, who were a part of these conversations, took on organizing phone calls, workshops and surveys over the following year. We asked LGBTQTS youth, and organizations that work with LGBTQTS youth, what they would want from a national network focused on sharing information aimed at reducing the harms of LGBTQTS youth interactions with law enforcement and building the capacity of LGBTQTS youth to change the context in which these encounters take place.

With the information we gathered, SAS and BreakOUT! set out to create [Get Yr Rights: A National LGBTQTS Youth Know Your Rights Network \(GYR\)](#). Our goal is to resource and build the capacity of LGBTQTS youth and LGBTQTS youth serving organizations who are doing, or want to begin doing, work around policing of LGBTQTS youth. **We also wanted to gather together strategies LGBTQTS youth and organizations working with LGBTQTS youth had used to wage - and win - campaigns to change conditions for LGBTQTS youth experiencing discriminatory and abusive policing in their areas.**

Currently, GYR has over 30 diverse network members who work with LGBTQTS youth in a variety of capacities, including grassroots organizing, policy advocacy, service provision, leadership development and more.

Following initial conversations at the **Allied Media Conference** in 2013, it has become clearer than ever that LGBTQTS youth are creating, demanding and sharing information, tools, and strategies for addressing profiling, policing and criminalization that is specific to their experiences and rooted in their realities, and that having access to this information makes a difference in the lives of LGBTQTS youth. It is also clear that even when we are able to access this information, it can be hard to exercise and enforce these rights without systemic changes.

From Ferguson to New York, from New Orleans to Puerto Rico to Indian Country, LGBTQTS youth resist police violence every day, and have been on the forefront of struggles for change and accountability. As we make headway in these struggles, and as police departments and policy makers are increasingly forced to respond to our demands, it can be helpful to share resources and strategies so that we can learn from each other's successes and avoid pitfalls. We also want to make sure that as



mainstream LGBT organizations begin to wade into conversations about policing and policing policies, they are informed by the strategies and campaigns which have been developed by people directly impacted by these issues, and by the grassroots groups who work directly on policing issues and with LGBTQTS youth targeted by discriminatory policing.

Though recent mainstream LGBT equality movements have largely ignored issues of policing and criminalization, these issues have long been at the heart of LGBTQTS struggles for justice.

The history of policing of gender and sexuality in this country goes back to the early days of colonization, and modern LGBTQTS liberation movements have deep roots in resistance to homophobic and transphobic policing.⁷

The Stonewall uprising in 1969, often credited as the launch of modern gay rights movement, was a rebellion against police discrimination and abuse. But this was not the only time LGBTQTS people resisted policing in this way.

These are only some of the creative pre-Stonewall actions we know about in which LGBTQTS people – mostly street-based LGBTQTS youth – have resisted discriminatory policing. LGBTQTS youth have been fighting discriminatory policing since before Stonewall, and have continued to resist it since.

1943

During a raid of a gay bar in San Francisco's Chinatown, two lesbians fought back, prompting a brief rebellion.

LGBTQTS folks clashed with the LAPD at Coopers' Donuts.

1959

1965-1970

A group of gay and transgender youth in San Francisco's Tenderloin, many of whom were involved in street economies, formed a group called Vanguard to fight police harassment.

Vanguard helped lead the 1966 protests at the Compton Cafeteria in San Francisco, engaged in guerilla theater to raise awareness of police street sweeps of homeless and street based LGBTQTS youth, and shared "know your rights" information and advocated for changes to policing practices through their newsletter.

1966

1967

After the LAPD raided two New Year's Eve parties at gay bars, LGBTQTS people protested police harassment. Later that year, LGBTQTS people in Los Angeles protested the entrapment and harassment of LGBTQTS people at Griffith Park, a popular cruising spot, by holding a day-long St. Patrick's day party at the park.

1968

Following two patron arrests, a gay bar owner organized remaining patrons to move on the police station to bail out the arrested men and litter the station with flowers purchased from a nearby flower shop.

⁷ Queer Injustice.

WHAT IS YOUTH ORGANIZING?

Youth organizing around discriminatory and abusive policing of LGBTQTS youth can involve many different tactics:

- Political education
- Sharing historical perspectives and building analysis of a situation
- Sharing and developing skills needed to make change
- Figuring out who has the power to make the change we want and how to influence them
- Developing a campaign strategy
- Direct actions
- Public forums
- Lobbying
- **...and more!**

Before launching a campaign around policing practices affecting LGBTQTS youth, it is important to make sure that youth who are directly affected by the issue are in the room.

These might include:

youth of color

transgender and gender non-conforming youth

youth who are or are perceived to be involved in criminalized activities

homeless/ "home-free"/ or street-based youth

undocumented communities

Native / Indigenous youth, and more

YOU MIGHT ALSO INCLUDE ELDERS AT THE TABLE FOR A HISTORICAL PERSPECTIVE ON POLICING OR ORGANIZING IN YOUR COMMUNITY.

Here is a commonly used checklist for launching your campaign⁸:



CONSIDER WHETHER OR NOT YOUR CAMPAIGN WILL:




RESULT IN A REAL IMPROVEMENT IN PEOPLE'S LIVES

EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE 

-  Have young people identified what changes to policing practices would have a direct impact on their lives?
-  Are your demands, recommendations, or policy reforms written or informed by directly impacted youth?

GIVE PEOPLE A SENSE OF THEIR OWN POWER




EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE 

-  Are you providing opportunities for youth who wish to offer testimony or share their stories with safe and empowering opportunities to do so?
-  Are you incorporating practices that recognize and address the historical and present day trauma policing has caused individuals and your community?
-  Are young people feeling powerful, strong, and ready to win?

⁸ Adapted from Midwest Academy, Organizing for the 21st Century www.midwestacademy.com





ALTER THE RELATIONS OF POWER

EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE 

-  Has your campaign identified pressure points and strategies that will position you to win?
-  Have you garnered enough public support to be a threat to those currently in power?
-  Does your campaign goal give law enforcement more power and resources or does it limit their actions and divert resources to things young people say they need?

HAVE A CLEAR TARGET

EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE 

-  Do you know who makes decisions about policing policies in your area?
-  Are you pressuring City Council, the Mayor, the Police Chief, or someone else?
-  Do you want a change to the law? Police policy? Police training? Police structures?
-  Are you pushing for the federal Department of Justice or an independent body to investigate policing practices in your community?

BUILD MOVEMENT

EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE 

-  Have you framed the issue in a way that draws connections with other communities targeted by the police and provides a basis for coalition-building and collaboration?
-  Are your strategies such that, even if you lose, you will have still built the power of your communities, sparked movement, and incited others to action?

BUILD LEADERSHIP

EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE ?

Q Have you identified clear ways for youth to step into leadership roles?

Q Are leaders willing to create opportunities for others to step into leadership roles and to foster each other's growth and development?

BE CONSISTENT WITH YOUR VALUES AND VISION

EXAMPLES OF QUESTIONS YOU MIGHT ASK ARE ?

Q Are your organization or campaign leaders willing to come to the table with the police? If so, to what extent? *Are you willing to:*

- Meet with the police?
- Participate in training with the police?
- Negotiate new policies with the police?

Q Are there shared points of unity with other organizations or communities you may be working with?

Q What are your "bottom lines"?

Some things to keep in mind as you are engaged in youth organizing for changes to policing practices are that it can be a slow process. This is particularly true as people engage in political education before or throughout a campaign, develop points of unity, or build collaborative relationships. It can require more time and resources than one might think! The advantage is that the time and resources invested can build power and shift relations of power for longer-lasting reforms, and the networks and bases created can be activated for future campaigns or if reforms slide backwards. **Also, youth organizing develops new leaders in the movement to carry it forward!**

HOW CAN WE MOBILIZE YOUTH TO CHANGE THE WAYS POLICE INTERACT WITH LGBTQTS YOUTH?

Below we share some strategies that folks have used in youth organizing to challenge discriminatory and abusive policing of LGBTQTS youth, along with some advantages and things to think about for each approach that we could think of. Feel free to modify our list and add your own strategies and experiences!

KNOW YOUR RIGHTS

EDUCATION AND OUTREACH

Changing the ways police interact with LGBTQTS youth can happen a number of ways. The first is gathering, sharing, and empowering youth with information that will help reduce the duration, harms, and consequences of encounters with police. It is important that the information be specific to the kinds of policing experiences LGBTQTS youth have – whether it’s harassment over names and gender markers on ID and gender searches, policing of bathrooms and other sex segregated facilities, sexual harassment, or profiling for prostitution-related offenses and lewd conduct. **Be sure to check out www.getyrrights.org** for lots of tools for sharing “know your rights” information with LGBTQTS youth!

ADVANTAGES

- Builds on the knowledge and expertise of young people themselves
- Puts power back in the hands of young people to have more control in police encounters
- Can help protect rights later in court

THINGS TO THINK ABOUT

- Cops often don’t respect our rights – so it can be demoralizing to only talk about rights without also talking about realities and collective resistance
- Asserting your rights can sometimes escalate a situation – it can be important to remind folks to trust their gut and do whatever will keep them safest in the moment, and to remember that you keep more power by staying calm
- Sometimes things that are wrong aren’t forbidden by law or policy – until we change it

COP WATCH

Another way of resisting discriminatory policing is by engaging in “cop watch” – or documenting the ways police interact with you or others. For more information on how to conduct cop watch on your own or as part of a team, check out www.copwatchnyc.org!

ADVANTAGES

- Can change police behavior – sometimes cops behave differently when they are being observed
- Can create evidence that can be used to hold police accountable later
- Puts power back in the hands of community members
- Builds community and trust

THINGS TO THINK ABOUT

- Police can respond badly to being observed, and may target the cop watcher
- Cops may try to take/destroy cameras/phones
- You may capture video that will hurt someone’s criminal case that you can be ordered to produce later

CHANGE POLICE POLICIES

Almost all police departments have a set of rules or policies that say what police officers can and can’t do on (and sometimes off) the job. **These may go by different names or be shared in different ways:** Patrol Guide, Departmental Rules and Regulations, Standard Operating Procedures, Officers’ Handbook, Policies & Procedures, etc. Generally these kinds of rules are made and enforced by the Chief of Police, and can only be changed by the Chief of Police.

ADVANTAGES

- Police policies can be easier to change than laws, especially if you have a sympathetic police chief or high ranking official
- Police policies are generally more detailed, and so you can include more details about how police should (and shouldn’t!) interact with LGBTQTS youth
- The police department should train all of its officers on how to follow the rules
- If a police officer violates the department’s rules they can be disciplined

THINGS TO THINK ABOUT

- Just as the rules can be changed by one police chief, they can be unchanged by another
- There is no way for individuals to enforce police rules – generally only the police chief can. This means you may have rights, but no remedy if they are violated
- It can be easy to change the rules on paper, and much harder to change them in practice

CHANGE THE LAW

Changing the law (also known as passing legislation) requires at least a majority vote from the people who make laws (city council, or state legislature) and approval from other elected officials (like the mayor or the governor). How difficult this is to do depends on your elected officials. To pass a law, you need to put pressure on lawmakers in different ways – through testimony, rallies, call-ins, petitions, meetings, and more.

You can pass a law at the city level - sometimes called an ordinance – which only applies in your city, or you can pass a law at the state or federal level, which will apply across the state or across the country. Generally speaking, it is easier to pass a city level law than a state one, and easier to pass a state one than a federal one.

ADVANTAGES

- Once the law is changed, the change is semi-permanent –someone else would have to pass another law to change it again
- The law applies regardless of what a particular mayor, police chief, or police officer may think

THINGS TO THINK ABOUT

- There are some things which can't be changed by law – because law makers don't have the power to make police do certain things
- Police unions are a powerful force, and can often block change because no law maker wants to go against the police or look “soft on crime”
- Police often act as though they are above the law – and prosecutors and juries can be reluctant to make them follow it or hold them accountable for not doing so

SUE THE POLICE

Individuals whose rights have been violated can bring a lawsuit against the police in state or federal court. In addition to asking for money to compensate them for what happened to them, they can also ask for something called “injunctive relief,” which means a court order telling the police department to do (or not do) something. People can also join together to challenge something that happened to a group of folks, which is called a “class action” lawsuit.

ADVANTAGES

- Everyone has to follow a court’s orders, whether they like it or not, even if they are a police chief
- One person’s case can lead to change for a whole police department
- You don’t have to convince as many people to change police policy through a lawsuit – you just need to convince one judge

THINGS TO THINK ABOUT

- Lawsuits take FOREVER. It is hard to keep momentum up through a 5-10 year lawsuit, and sometimes they get caught up in court if your city tries to appeal the case
- Lawsuits are expensive. This means that lawyers often only want to take the cases that seem easiest to win, involving people who are “innocent” or seem “presentable”
- Much of the strategy in litigation is controlled by lawyers and the courts, not the people directly impacted by the problem. It can be hard to understand the legal strategy or hold the lawyers accountable to the strategy that the community has agreed on
- One person can demand a change to a police department policy without consulting with all the groups and people who have been working on the issue for years
- Even if the court says the police department has to do something, it can be hard to enforce. While courts don’t like people disobeying their orders, they also don’t like micromanaging police departments
- Lots of people become involved, from judges and lawyers to court monitors, implementation teams, and more

FEDERAL PATTERN AND PRACTICE INVESTIGATIONS AND CONSENT DECREES

If there are enough complaints that a particular police department is doing something wrong, the U.S. Department of Justice can start something called a “pattern and practice” investigation, which means they look into whether there is a pattern of police officers doing something in particular – like profiling people, using excessive force, sexually harassing people, or mistreating LGBTQTS people.

If, after meeting with local groups, observing the police, reading police policies, and hearing from the police and lawmakers, they decide that there is a pattern of violating people’s constitutional rights, the Department of Justice will issue an investigation report and sometimes bring a lawsuit against the police department in federal court. Usually at this point the city and the police department will negotiate an agreement that will then be filed with the court called a “consent decree.” This is a legal document that outlines the terms of an agreement between the city and the Department of Justice. When you sue a police department, often what results is a consent decree. The consent decree will lay out all of the things the police department promises to do to stop the violations of people’s rights, and set up a way for the court to monitor the department’s progress. If, after a period of time, the court finds that the department has fixed the problem, the lawsuit against the police department will be dismissed.

ADVANTAGES

- Everyone has to follow a court’s orders, whether they like it or not, even if they are a police chief
- You don’t have to convince as many people to change police policy – you just need to convince a few people at the Department of Justice

THINGS TO THINK ABOUT

- It can be hard to convince the DOJ to investigate your department or include your issues in the consent decree they negotiate with the city
- Much of the strategy is controlled by lawyers and the courts, not the people directly impacted by the problem
- Even if you win a consent decree, it can be hard to enforce. While courts don’t like people disobeying their orders, they also don’t like micromanaging police departments
- Lots of people become involved - from judges and lawyers to court monitors, implementation teams, and more



**MOST SUCCESSFUL CAMPAIGNS USE A
COMBINATION OF ALL THESE STRATEGIES!**

No matter what strategy you use, organizing is especially important for changing policies. You are unlikely to get anywhere without organizing, even if what you are asking for is obviously the right thing. Unless the people in power see that there is a larger group of people calling for change, change can be difficult. Public officials, especially those who are elected, are especially concerned with public opinion and how they are perceived among voters. When organizing with communities of non-voters – as might be the case with organizing youth or immigrants’ rights organizing, for example – public opinion is especially important. Though police chiefs are often appointed and not elected, elected officials who appoint them can push them to do something if there is enough public pressure. Organizing is also essential to making sure that the changes you are asking for and get are responsive and accountable to the needs of the communities affected by the policies.

How quickly these kinds of change happen depends on a lot of factors,. Generally, changing the ways police interact with LGBTQTS youth, whether through changing policy or changing law, can take years.

IT CAN BE VERY HELPFUL TO KNOW WHETHER POLICIES SIMILAR TO THE ONES YOU ARE TRYING TO GET HAVE BEEN PASSED IN OTHER PLACES.

We hope this toolkit can provide some examples of strategies that have been used in a variety of places and political contexts around the country, and of the policy changes they have achieved.

Before you launch your campaign, make sure you have the right target in mind. Remember, your target is who can give you what you want. Most of these Case Studies deal with city police departments. You may be tackling county sheriffs or private patrols or a city ordinance or Immigration & Customs Enforcement or state troopers in your town. Make sure you know who's calling the shots. For a local police department in an urban area, it's often the Chief of Police or Superintendent, who is appointed by the Mayor. But in a smaller town or suburb, you might be working with a county or Parish police department or state police. No matter where you are, the Mayor is the police chief's official boss, and the city council or county board usually exercises some oversight over the police department.



Make sure you know:

- Who sets the policies and governs practices of the police?
- Who controls their budget?
- Is there a piece of legislation or ordinance you're looking to change? If so, who has the power to change it?
- Is your target appointed or elected? Who holds them accountable?

THE GET YR RIGHTS WEBSITE HAS TOOLS
ORGANIZATIONS HAVE USED IN ALL SORTS OF
CAMPAIGNS! CHECK 'EM OUT AT
WWW.GETYRRIGHTS.ORG

CHANGING POLICE DEPARTMENT POLICIES

QUICK GUIDE TO CHANGING POLICE DEPARTMENT POLICIES:

- 1 Document the problems! Find out what police practices are causing LGBTQTS youth the most trouble in your community, and document some representative examples or cases**
 - Hold a town hall or bring a group of folks together to talk about what policing of LGBTQTS looks like in your area
 - Survey folks at drop in centers or other places LGBTQTS youth hang out
 - Check in with criminal defense lawyers to see what their LGBTQTS clients are telling them.
- 2 Find out what your department's rules are. Pay special attention to policies which tell police officers:**
 - How to address people
 - How and when to search people
 - How and where to place people being held in sex segregated cells in police custody
 - What kinds of profiling is not allowed
 - What kinds of ID are accepted
- 3 Read through some of the policies other groups have fought for at www.getyrrights.org and see if any of the language might address some of the problems in your community**
- 4 Work with people directly impacted by discriminatory policing to come up with proposed changes to the police department policies. Ask people what they think the rules should be for police officers. Meet with sympathetic lawyers with expertise in criminal defense and police misconduct to see if they have any additional ideas**
- 5 Think about ways to put pressure on the police department to change their policies:**
 - Is there a particular incident you can organize around
 - Has someone sued the police department over how they treat LGBTQTS people
 - Are some of your local politicians concerned about how LGBTQTS youth are policed
 - Can you get a meeting with the Department or is there an LGBT or community Liaison you can approach with your proposals; a sympathetic LGBTQTS officer
 - Is there a way to partner with an organization or coalition that has political power to push for the changes? Your local or state civil liberties union, immigrants' rights, or racial justice organization may be a good place to start

CASE STUDIES:

POLICE POLICIES REGARDING TREATMENT OF TRANS AND GENDER NON CONFORMING PEOPLE

Many police departments do not have policies telling police officers how they should treat members of LGBTQTS communities, and particularly transgender and gender nonconforming people. As a result, police officers often:

- ▶ **Use the wrong pronouns and names,**
- ▶ **Profile and harass LGBTQTS youth based on how they look or who they're with,**
- ▶ **Ask inappropriate and private questions about people's gender, gender identity and expression, sexual orientation, medical history and what their bodies look like,**
- ▶ **Conduct unlawful searches, including strip searches, to “decide” what a person's gender is, or to humiliate them, and**
- ▶ **Hold people in unsafe conditions in police facilities, including holding transgender women with men and handcuffing transgender people to chairs, benches or railings for hours at a time, among other violations of the rights, dignity, and safety of LGBTQTS youth and adults.**

Often, police departments clearly tell police officers to search and detain people according to “sex,” but offer no guidance whatsoever as to how officers are supposed to do this. Leaving it up to officers can result in unconstitutional, illegal and violent behaviors to “assign” people a gender for the purposes of arrest processing and detention.

LGBTQTS people and grassroots organizations – including and especially LGBTQTS youth and the organizations working with them - across the country have identified these issues as critical to the safety of LGBTQTS youth.⁹

⁹ *Stonewalled: Police Misconduct and Abuse of LGBT People in the United States.* Amnesty International, 2005

IS IT A PRECINCT OR A PRISON OR A JAIL OR A DETENTION CENTER OR...?

There are many different names for jails and prisons, and some mean very different things. Usually, jails, precinct holding cells, and detention centers (except for immigration detention centers) are run by the city or county/parish, and often, the local police department. These are usually short-term, temporary facilities where people are held after arrest and before they first appear in front of a judge (arraignment) or pre-trial. Usually, prisons are run by the state or the federal government and your local police department has no control over them. Usually, juvenile detention centers or juvenile halls are not run by the police department, but by the state, but some police department might have a Juvenile Bureau or separate holding cells they operate for people under 18, so make sure you check! Always research who controls what so you're sure you have the right target!



In the late 1990s and early 2000s, TransAction, a project of GYR member Community United Against Violence (CUAV) and the Ella Baker Center for Human Rights in San Francisco, began documenting reports they were getting from transgender people about abuse by police officers.

There was also a hearing by the San Francisco Human Rights Commission in 1998 when over 50 people came forward and told stories of being profiled as engaged in prostitution, strip searched to assign gender, held in unsafe conditions, referred to using derogatory terms, and extorted for sexual acts.

Transaction put out a report in 2000 called Walking While Trans talking about all the police profiling and violence transgender people were experiencing from the police, and making recommendations for changes to San Francisco Police Department and jail policies.

As a result of all of this community organizing and documentation, in 2003 the San Francisco police chief issued a series of orders which:

- ▶ **Prohibited profiling of transgender people, including profiling transgender people as being engaged in prostitution.**
- ▶ **Required officers to address transgender people by the name and pronouns they regularly used, regardless of what their ID said**
- ▶ **Prohibited searches to determine gender**
- ▶ **Prohibited discrimination based on sexual orientation and gender identity**



Community members followed up by working with the San Francisco Human Rights Commission to train every single San Francisco Police officer on the new policies. The Human Rights Commission also accepts complaints of violations of the new policies. According to staff at the Commission, the number of complaints went down after the policies were adopted.

Similarly, following a Washington, D.C. community forum in 2007, the DC Trans Coalition advocated for a policy to stop mistreatment of transgender women by the Metropolitan Police Department, the largest of 37 police agencies in D.C. The D.C. Policy:

- ▶ **Bans profiling transgender people, and says that gender identity or presentation is not a reason to stop or charge someone with prostitution**
- ▶ **Bans searches to assign someone a gender**
- ▶ **Bans verbal abuse and discriminatory treatment of transgender people**
- ▶ **Says officers must address people using their preferred name and gender pronoun, and not question a person's gender identity**
- ▶ **Requires tracking data on police response to trans-related calls, and specific tracking of complaints filed against officers for transphobic behavior**

A similar policy is in place at the D.C. Department of Corrections, covering housing and medical needs for trans people in city jails and halfway houses. After a lawsuit against the U.S. Marshals (who are responsible for holding people before trial in the District of Columbia), a similar policy is being developed for people in the custody of the U.S. Marshals.

In D.C., the police department's LGBT liaison unit was supportive of the policy change and initially assisted with training – but that meant that when staffing in that unit was reduced in 2009, it was harder to make sure the policy was being followed.

Since 2010, the DC Trans Coalition, along with other community organizations, has been involved in training the police department. But the Coalition still hears many incidents of the policy not being followed.

“ *We take a harm reductionist training and policy approach - like looking at policies that can change and training that needs to change as well, with goal of creating cultural transformation in police departments that will lead to more humane treatment.*

– DC Trans Coalition

After a year in which a particularly high number of LGBTQ people experienced violence in D.C., the police department formed a hate crimes task force made up of national LGBT and civil rights organizations to assess police interactions with LGBTQTS folks. The task force wrote a report that made 32 recommendations for reform of training, policy, practice, and community relations.¹⁰

Following the report, the D.C. Trans Coalition and six other local LGBT organizations issued a response with 25 more recommendations for changing the ways police interact with LGBTQTS people,¹¹ using this opportunity to push for more effective implementation of the policy and improve policies in other areas, including response to intimate partner violence, policing of sex work, and criminalization of youth.

¹⁰Cathy L. Lanier, Report of the Hate Crimes Assessment Task Force, available at <http://dctranscoalition.files.wordpress.com/2014/03/hcatf-report.pdf>

¹¹Casa Ruby et al, Community Response to the Hate Crimes Assessment Task Force available at <http://dctranscoalition.files.wordpress.com/2014/03/community-response-to-the-hate-crimes-assessment-task-force.pdf>

“One strategy we’re using is to try to get more complaints filed against police officers. We know that abuse of transwomen is pretty rampant but the independent monitoring agency says they’ve gotten zero complaints on the subject, and can’t take action until they get a complaint to act on.

– DC Trans Coalition



In New York City, starting in 2005, transgender women brought a series of lawsuits complaining of a pattern and practice of NYPD officers conducting illegal “gender searches,” and placing them in unsafe conditions while in police custody.

These lawsuits, in combination with decades of community organizing by and on behalf of transgender people, led the New York City Police Department (NYPD) to start a process to change its policies for searching transgender people. The NYPD approached an advocacy group which had not been involved in the issue up until that point, along with one or two transgender women, about making a possible change to the search policy regarding who could search transgender people - but not why, when, or how searches of trans people should not be allowed.

Fortunately, more transgender people and organizations who had been involved in organizing and advocacy on the issue for years - including Get Yr Rights members Sylvia Rivera Law Project (SRLP), the New York City Anti-Violence Project, and Streetwise and Safe (SAS) - learned about this. Groups who had historically worked directly with transgender New Yorkers reached out to the advocacy organization and negotiated working together on this issue. The advocacy group then told the police department that it was happy to hear that the department wanted to make changes to its policies around treatment of transgender people, and that they would be joining with community organizations working directly with transgender people to submit a comprehensive proposal for changes to NYPD policies to address violations of the rights of transgender New Yorkers.

The newly formed coalition, which called itself Trans Policy Advocates, was made up of directly affected members of the transgender community, organizations which provided direct services to transgender New Yorkers, police misconduct attorneys, civil liberties groups, grassroots organizations and LGBTQTS legal groups. They began by:

- ▶ **Gathering together all of the existing policies across the country and around the world, including policies from San Francisco, DC, Seattle, Portland, Toronto, and European countries**
- ▶ **Researching existing court decisions about police treatment of transgender people to see what courts had decided was a violation of transgender people’s rights**
- ▶ **Reading through the entire police manual, which is called the NYPD Patrol Guide**

Trans Policy Advocates then came up with a comprehensive proposal for changes to dozens of sections of the NYPD Patrol Guide, including the sections about:

- ▶ **Police officer conduct and discrimination**
- ▶ **Searches**
- ▶ **Arrest processing**
- ▶ **Housing arrestees**
- ▶ **Acceptable ID documents**
- ▶ **School safety officers**
- ▶ **Taking arrestees to hospitals and hospital visitation, medical treatment in police custody, and confidentiality provisions**

“ *We couldn't get any traction on the proposals without a community campaign. Later, when the community was outraged by incidents of discriminatory policing of gay men, we were able to seize the moment to turn attention to abusive treatment of transgender people by the police. Then, we used an upcoming election to mobilize the political capital we needed to get in the door to negotiate the changes.*

– *Andrea Ritchie, Streetwise and Safe*

Later that year, a story broke about a series of false arrests of gay men for prostitution in porn shops. Outrage among the gay community prompted demands for accountability from the NYPD. The Speaker of the New York City Council, an out lesbian who was running for re-election, convened an LGBT Advisory Panel to the NYPD Police Commissioner which included many of the organizations who were part of Trans Policy Advocates.

Once the issue of the porn shop arrests was addressed, there was an opportunity to add to the Advisory Panel's advocacy agenda. Trans Policy Advocates seized the opportunity, and urged the Advisory Panel to adopt and advocate for the proposed changes to the Patrol Guide.

The Advisory Panel took up the charge, and a four person team, including two longstanding transgender activists - one of whom worked at the LGBT Center and who had been deeply involved in passing a City nondiscrimination ordinance banning discrimination based on gender identity and expression - an anti-violence organization with close connections to the Speaker, and an experienced police misconduct attorney, was nominated to begin negotiations with the NYPD.

The group negotiated with the NYPD Legal Department over a period of 18 months, going over each proposed change in detail, making arguments, giving examples of violations of the rights of transgender people and pointing to policy changes made in other cities to address similar violations, and coming up with compromise language.

It was important to have both people directly impacted by the discriminatory policing practices at the table alongside organizations with political clout and connections, and attorneys with legal expertise representing LGBTQTS folks in criminal and police misconduct matters. The political connections kept the NYPD at the table, while the lived and legal expertise and experience with how NYPD policies and practices played out on the ground was essential to making the arguments for what specific changes were needed and why.

It was also important to keep the people who had been involved in developing the policy proposals updated during the long negotiation process, and to keep an ear to the ground for new incidents which could be used to argue why change was needed. Last but not least, it was important to talk about goals for each negotiating session ahead of time, and think through the arguments and counter arguments for each point we wanted to make so that messaging was unified during negotiation sessions.



Finally, in June of 2012, a series of changes to the NYPD Patrol Guide was announced, including a first of its kind provision stating that individuals are to be placed according to gender identity in sex-segregated NYPD facilities unless there is a specific danger to the person. The NYPD has incorporated information about the changes into its training for new recruits, as well as “in service” training for officers already on the force.

LGBTQTS youth at Streetwise and Safe (SAS), one of the organizations centrally involved in developing and negotiating the changes, are now developing a tool to share information about the policy changes with LGBTQ youth, and will be making sure the policy changes are being followed by surveying people about their experiences with the police.

GYR network members SAS and Make the Road New York have also used their membership in Communities United for Police Reform (CPR), a broader city-wide coalition fighting discriminatory policing [see case study on page 49] to ask the newly created NYPD Inspector General to conduct an independent investigation to make sure the policy changes are actually being followed.

Advocates in Los Angeles, Chicago and Albany, New York have used the proposals developed in New York to advocate for similar and greater policy changes across the country. New York City’s policies have also informed consent decree provisions adopted by the U.S. Department of Justice.

KEY STRATEGIES & LESSONS:

-  **Document the problem – it is important to have real life examples of how police are violating the rights of LGBTQTS youth, and to show that they are not isolated incidents, but the product of bad policies or a lack of policies.**
-  **Do your research! Show that what you are asking for is considered a best practice, if you can. It can help to have an example of the policy you want from another city, especially if that city is close to you or similar in population or size.**

- ◆ Support for the demands of grassroots groups from larger groups can keep police departments at the table and amplify smaller groups' messages. The catch is to keep larger groups accountable to the demands of people directly impacted as the campaign progresses. Working with a staff person at a larger organization who feels accountable to community input and direction is critical.
- ◆ The threat of a lawsuit can help. The more a city is on notice of the problem and does nothing, the more exposure they face during a lawsuit. Be on the look out for recent cases which are representative of the problems you are trying to address, and connect the people involved with a police misconduct attorney you trust if they are interested. For suggestions on experienced civil rights attorneys in your area, contact us at www.getyrrights.org!
- ◆ It is important to build a grassroots campaign in support of your efforts to achieve policy change – in New York City the police department was able to ignore proposals for changes to the Patrol Guide until there was more public outcry and sustained community pressure on politicians and the police department.
- ◆ It is important to stay in touch with community members as you are negotiating policy changes to make sure that there is continued support for any compromises.
- ◆ Take advantage of political opportunities! A particular case, a new or receptive politician or LGBT Liaison, an upcoming election – these are all things that can wedge open the door to changing policies. In San Francisco the appointment of a transgender woman as head of the City Human Rights Commission helped move policy change forward; in New York a lesbian City Council Member's re-election campaign was key.
- ◆ Making sure policies are followed is the real challenge – it's easier to change policies on paper than it is to change the reality of how police interact with folks on the street. Make sure your campaign includes a strategy for documenting how the policy is being applied and creating power and accountability to ensure your win translates into real changes on the ground!



RESOURCES FOR THIS SECTION

- CUAV fact sheet: Transgender People and the SFPD
- Walking While Trans (**available at [getyrrights.org](http://www.getyrrights.org)**)
- What is Transaction flyer (English and spanish)
- Cops are Locking up Trannies
- DC Trans Coalition's *Community Response to the Recommendations of the Hate Crimes Task Force*
- Trans Policy Advocates proposals for changes to NYPD Patrol Guide
- Fact sheet summarizing proposals for changes to NYPD Patrol Guide
- Talking Points for meeting with NYPD Negotiation Team
- Fact Sheet summarizing changes to NYPD Patrol Guide
- Outreach tool and survey summarizing changes to the NYPD Patrol Guide

AVAILABLE AT WWW.GETYRRIGHTS.ORG/CURRICULUM-AND-TOOLKITS

CONSIDERING DATA COLLECTION



Often, people think it would be a good idea to ask the police department to collect information – also known as “data” - about the sexual orientation and gender identity of people they stop, search and arrest to gather more information about how LGBTQTS people are profiled and policed. While data can be helpful when arguing for policy change, data collection – when conducted by police - can end up doing more harm than good.

Imagine how police will try to collect this data: by asking questions or engaging in behavior that otherwise has no place in a police interaction. Who are you in relationships with? Who are you sexually attracted to? How would you describe your sexual orientation? Are you transgender? Have ever been identified as having a different gender? What medical procedures have you had? But what do you have “down there”?

These are exactly the kinds of inappropriate and harassing questions we already complain about police asking during police encounters.

By making police departments collect information about people’s sexual orientation and gender identity, we run the risk of creating a “legitimate” reason for police to ask people questions about their bodies, relationships, medical history, identities or other private matters, hold people longer, and increase the chance of potential homophobic and transphobic harassment and discrimination. Even if police officers are instructed to collect this data based on what they see or think rather than by asking questions, this could lead officers to look at people’s gender expression and presentation more closely, look for “clues” like rainbow stickers or messages on buttons or clothing, and to profile people based on stereotypes and assumptions.

The potential problems do not end at the point of data collection. Keeping this kind of information on police encounters creates a permanent government record of actual or perceived sexual orientation and gender identity. That record can then follow a person for the rest of their lives. It marks people as LGBTQTS regardless of whether they identify that way or not – or shift identities over time – whenever they come into contact with police.

Having a police record assigning a particular sexual orientation or gender identity may also put people at risk of discrimination by anyone who gets a hold of police records, opening them up to the possibility of further discrimination and abuse.

A safer approach is to encourage and support LGBTQTS organizations and independent civilian oversight agencies to confidentially collect, analyze, and publish anonymous information about complaints of police misconduct against LGBTQTS people. This should only be done after obtaining informed consent from the people involved, and by sharing data that does not reveal any identifying information about the people making the complaints. This approach makes police violence experienced by LGBTQTS people visible without increasing the risk of harm during law enforcement interactions.

For examples of LGBTQTS organizations collecting data on police interactions themselves, check out Protected and Served? a report by GYR Network member Lambda Legal, We Deserve Better, a report by BreakOUT!, Transgressive Policing, a report by GYR member Make the Road NY, and the annual reports of GYR partner the National Coalition of Anti-Violence Programs.



FIGHTING THE USE OF CONDOMS AS EVIDENCE OF PROSTITUTION-RELATED OFFENSES

QUICK GUIDE TO ENDING THE USE OF CONDOMS AS EVIDENCE:

- 1 Document the impact.** Gather stories from people who are afraid to carry or distribute condoms for fear of police harassment or arrest, and from people who have been harassed for carrying condoms or had them taken away from them by police
- 2 Reach out to anti-trafficking, reproductive rights, HIV and public health organizations to join you in coming out against the use of condoms as evidence**
- 3 Raise awareness of the issue on social media and in mainstream press**
- 4 Find out who's driving the policy – the police department or the prosecutors**
- 5 Ask for a meeting at which people directly impacted by the use of condoms as evidence can share how the practice is harming them**

In a number of places across the country, police and prosecutors use the fact that people have condoms on them or in their business or home to try to prove that they were intending to engage in prostitution, promoting prostitution, or trafficking. Confiscating or listing condoms as evidence of intent to engage in prostitution-related offenses is often a way police harass and profile LGBTQTS youth of color, along with women of color (trans and not trans, queer and not queer), gay men, and gender non-conforming youth more generally.

When cops take condoms away or use them to arrest or charge people, people are less willing to carry condoms. It also takes condoms out of the hands of people who need them, and means businesses are less willing to distribute condoms or have them around for fear that police will use them to try to prove that they are promoting prostitution or trafficking people. Using possession or presence of condoms as evidence of intent to engage in prostitution-related offenses – when all they are is evidence of the intention to engage in safe sex – interferes with people's right to protect themselves, their health and their reproductive rights.

There's no law or policy saying that carrying condoms is illegal or that they can be used as evidence that someone intended to engage in prostitution. There's just generally no law or policy that says they can't.

Anything can be used as evidence to try to prove a crime as long as a judge thinks it's "relevant" and isn't unfair – like it's unfair to say just because you've been convicted of a crime in the past, you must be guilty of the crime you are accused of now. Sometimes policies or laws are passed that say some things can't ever be used as evidence – for example, defense attorneys *can't* use someone's past sexual history to try to prove that they weren't raped, and nothing you tell your attorney, psychologist, spiritual advisor or spouse can be used as evidence, to protect those relationships that society thinks are important.

For a number of years now, people in different places have been trying to pass laws or policies that would ban police from taking, and prosecutors from using, condoms as evidence that anyone intended to engage in prostitution-related offenses.

DOCUMENTING THE PROBLEM

The first thing policymakers often ask when approached about this issue is “where’s the evidence that this is happening?” In **2005**, Amnesty International gathered reports from grassroots groups and service providers based on what they were hearing from people on the street who were or were profiled as being involved in the sex trades. The report documented people’s experiences of having their condoms be taken away by police and used against them in court, and that it was interfering with their ability to protect their health and exercise their reproductive rights.

Since then, different groups have created their own documentation of the problem. Different Avenues documented the issue in Washington, DC in **2008**.¹³ In New York City, the PROS Network -- a coalition of organizations providing services and resources to people who are or are profiled as being involved in the sex trades -- conducted and summarized surveys of their clients and constituents in **2010**.¹⁴

LGBTQTS youth of color from GYR network member Streetwise and Safe (SAS) conducted over 20 of the the PROS Network surveys by reaching out to their peers and young people they knew. The Red Umbrella Project, a local sex workers’ rights organization, worked with local artists to turn some of the stories in this report into postcards featuring quotes from people affected by the use of condoms as evidence that were very effective in raising awareness of the issue among legislators and the general public. The surveys from New York and DC were also used for a report by the Open Society Foundation about the use of condoms as evidence in 6 countries around the world, including the U.S.¹⁵

After hearing about the issue from grassroots organizations across the country, the international human rights organization Human Rights Watch also published a report in 2012 called *Sex Workers At Risk: Condoms as Evidence of Prostitution in 4 U.S. Cities* featuring a section on the experiences of LGBTQTS youth in New York City.¹⁶ Another report released by Human Rights Watch in **2013**, *In Harm’s Way*, about policing and HIV in New Orleans, also documents the practice. The use of condoms as evidence is also prominently featured in *Transgressive Policing*, a report about discriminatory policing of LGBTQTS people in Queens, NY by GYR network member Make the Road New York, and in videos by GYR member the North Carolina Harm Reduction Coalition in Durham, NC.^{17, 18}

The release of these research reports generated a number of critical articles in mainstream media like the New York Times and Associated Press, which raised awareness of the issue and led to powerful editorials urging passage of state legislation to ban the use of condoms as evidence in New York. They also helped build good relationships with reporters. These relationships, in addition to using the media contacts of larger organizations, have been very important to moving the message that condoms should never be used as evidence of intent to engage in any prostitution-related offenses.



Red Umbrella Project produced postcards for the Access to Condoms campaign in NYC

¹² Amnesty International. *Stonewalled: Police Abuse and Misconduct Against LGBT People in the United States*, 2005

¹³ Different Avenues. *Move Along: Policing Sex Work in Washington, DC*, DATE, available at <http://dctranscoalition.files.wordpress.com/2010/05/movealongreport.pdf>

¹⁴ Public Health Crisis: *The Impact of Using Condoms as Evidence of Prostitution in New York City*, available at [<http://sexworkersproject.org/downloads/2012/20120417-public-health-crisis.pdf>]

¹⁵ Open Society Foundation. *Criminalizing Condoms*, available at [<http://www.opensocietyfoundations.org/sites/default/files/criminalizing-condoms-20120717.pdf>]

¹⁶ Human Rights Watch. *Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities*, available at [<http://www.hrw.org/reports/2012/07/19/sex-workers-risk>]

¹⁷ <https://vimeo.com/49649959>

¹⁸ <https://vimeo.com/52198774>

PROSECUTOR POLICIES

The first things most groups working on this issue do is meet with the people who are causing the problem: police and prosecutors.¹⁹ Groups in San Francisco, especially groups led by folks in the sex trades and grassroots LGBTQTS groups, have been working on this issue for a long time. In **1996** they were successful in getting the San Francisco District Attorney to say that they wouldn't use condoms as evidence in prostitution-related cases after a series of hearings on the harms of law enforcement responses to prostitution. Unfortunately, after that District Attorney left, the policy wasn't followed, which can be a downside of trying to achieve policy change through prosecutors' offices. After the publication of the Human Rights Watch report in **2012**, groups in San Francisco adopted a similar strategy of targeting the District Attorney, who agreed to a pilot project of not using condoms as evidence in prostitution and loitering for the purposes of prostitution cases for six months to see how it affected their ability to prosecute these cases. The policy later became permanent.

In Manhattan, New York City, when a new District Attorney (DA) was elected for the first time in over 30 years, LGBTQTS organizations raised the use of condoms as evidence as one of their priorities. After a few meetings about the issue with the DA's office, it seemed they were getting nowhere. So they asked the DA to listen directly to the people whose health and safety is being put at risk. Streetwise and Safe (SAS) organized a forum with the DA and organizations who provide services to LGBTQTS youth. Dozens of LGBTQTS youth, many of whom were LGBTQTS youth of color and homeless youth, told the new District Attorney and members of his staff about the impacts of the practice on their ability to protect themselves and their communities.

The power of LGBTQTS youth voices speaking directly about the impacts of this practice, along with sustained advocacy by GYR network members like SAS, the New York City Anti-Violence Project and Lambda Legal, and allies such as Human Rights Watch, anti-violence and anti-trafficking groups, and the Legal Aid Society eventually moved the Manhattan District Attorney to say that he wouldn't use condoms as evidence of prostitution or loitering for purposes of prostitution. SAS and other LGBTQTS organizations also met with the District Attorney for Brooklyn, who issued a similar policy as a result. The group also met with the state association of district attorneys, which led a District Attorney in Long Island – who later became the head of the state association and is now a U.S. Congresswoman – to ban the use of condoms as evidence in all prostitution-related offenses, and become a vocal and public supporter of efforts to end the practice.

POLICE POLICIES

Other groups have targeted their local police department for policy change. For instance, groups in San Francisco also pressured police to stop taking condoms away from people as evidence of prostitution-related offenses. While they were successful in convincing the police that taking condoms away as evidence interfered with people's ability to carry and use condoms, the police decided that instead of taking the condoms away, they would just take pictures of them. So people are still afraid to carry them or have condoms around because they could still be used as evidence of prostitution-related offenses.

“*We made a lot of progress on condoms as evidence, but it's an ongoing struggle. We are helping people understand what police can and cannot do.*”

– DC Trans Coalition

¹⁹The words prosecutor, district attorney or “DA,” or “state’s attorney” mean the same thing – they are lawyers who work for the government and are responsible for bringing and proving criminal charges against people.

In D.C., Get Yr Rights Network members DC Trans Coalition and other advocates, including The Women's Collective, HIPS, DC Appleseed, AIDS United, and Human Rights Watch, were successful in convincing the police department to create palm cards affirming people's right to carry condoms and making it clear that they were not illegal.

In Los Angeles, a group of organizations providing services and advocacy on behalf of transgender people developed a list of things they wanted the LAPD to change to protect the rights of transgender people. Banning the use of condoms as evidence was on the list.

In New York City, Streetwise and Safe, GYR network members Make the Road New York and NYC AntiViolence Program, and other members of the LGBT Advisory Panel to the Police Commissioner put pressure on the police department to issue a policy banning the use of condoms as evidence, which resulted in a partial ban on confiscating condoms as evidence. They are continuing to work toward a full ban because until "know your rights" educators can confidently say that condoms can never be taken or used as evidence for any offense, people will be afraid to carry, share or distribute them.

WHY IS IT IMPORTANT TO BAN THE USE OF CONDOMS AS EVIDENCE OF ALL PROSTITUTION-RELATED OFFENSES, AND NOT JUST SOME?

Sometimes policymakers will agree that condoms shouldn't be used as evidence to charge people accused of selling sex (or intending to) with "loitering for the purposes of prostitution" or prostitution. But often they will argue that possession, distribution or presence of condoms should still be used to charge people with promoting (facilitating involvement or "pimping") and trafficking (forcing someone to work or trade sex) offenses. The problem is that until people can be sure that the condom they have in their pocket, purse or business can't be used to prove any crime against them or anyone else, they still won't want to carry or have condoms around for fear of being charged with a crime.

This is particularly true for LGBTQTS youth under 18 because anyone who trades sex under 18 is defined by law as a "victim of sex trafficking," regardless of whether someone forced them into it. That means that when someone gives a condom to anyone under 18 who is involved or is even believed to be involved in the sex trades, that condom could be used as evidence to charge the person giving the condom with trafficking – which generally carries a 20 year sentence. Continuing to use condoms as evidence that someone intended to promote or traffic someone will also discourage people who are actually exploiting people in the sex trades from making condoms available to the people they are exploiting – often taking away the only access the people they are exploiting have as protection from STIs, HIV, and to prevent unwanted pregnancy.

Condoms are rarely essential evidence in promoting and trafficking cases. This means that the downsides of continuing to use them as evidence of these offenses far outweigh any benefits. This is why the vast majority of anti-trafficking organizations and advocates – and the former DA who is now a Congresswoman - support a comprehensive ban on the use of condoms as evidence in all prostitution-related cases, including in trafficking and promoting cases.

It is important to build relationships with anti-trafficking organizations in your area and to come prepared with arguments about why banning the use of condoms as evidence won't get in the way of trafficking prosecutions. For organizations that are likely to be supportive, check out the membership list of the Freedom Network at www.freedomnetwork.org, a national network of progressive anti-trafficking organizations.

LEGISLATION

Another strategy to address the use of condoms as evidence is to pass a state law changing the rules of evidence – that is, the rules about what people can and can't say in criminal court - to ban the use of condoms as evidence in prostitution-related cases. After hearing about this issue from women of color in their district, two New York State legislators introduced the first law that would ban the use of condoms as evidence in 1999.

Advocates for people in the sex trades first learned about the proposed law in 2009 when searching for pending state legislation that would affect policing of prostitution, and began to build a coalition to try to pass it. Now known as the Access to Condoms Coalition, it brings together over 50 LGBTQTS, public health, reproductive rights, anti-trafficking and anti-violence organizations and civil and human rights groups. Together the coalition has:

- Trained over 200 people to travel to the state legislature two years in a row to advocate for passage of the law
- Conducted legislative briefings for law makers and their staff
- Presented workshops at state legislative conferences
- Engaged in one on one meetings with state representatives in their home districts
- Supported introduction and advocated for passage of a New York City Council resolution in support of the state legislation.

LGBTQTS youth of color from Streetwise and Safe (SAS) have been key participants in these activities by:

- drafting memos to law makers about why they should pass the bill based on their own experiences,
- meeting with their state representatives to talk about the impact this practice has on them and their communities,
- circulating petitions in support of the legislation at “know your rights” trainings and during Pride outreach
- creating a poster raising awareness of the issue that has been distributed to drop in spaces for LGBTQTS youth, LGBTQTS service providers, and community organizations across the city and country, and
- sharing their experiences of having condoms confiscated and being used to justify arrest at press conferences and city council hearings on the state legislation, having a tremendous impact on state legislators.

Thanks to these efforts, the legislation passed the New York State Assembly in 2013. Unfortunately, it remains blocked in the State Senate. The support of one District Attorney, along with a letter of no position on the bill from the state District Attorneys’ association, was critical to getting the bill passed in one house. When it comes to laws about criminal justice, unfortunately lawmakers look first to police and prosecutors to see what their position is on the law. The support of a well-connected immigrant rights group and GYR network member Make the Road New York, the local chapter of the ACLU, the City Bar Association, reproductive rights, and anti-trafficking organizations was also critical.

A law regarding the use of condoms as evidence – which does not include all offenses – was passed in California in September 2014. The law originally was meant to replicate the much more comprehensive San Francisco policy, and was introduced without much fanfare. It was also introduced without the consultation of grassroots groups, who only became part of the work far into its process. The primary organizations involved in this process and the legislator who introduced the policy proposal later realized that the passage of the policy as it had been introduced would be a heavy lift which would require more capacity than they had for this work. Given this, they proceeded to renegotiate the terms of the legislation, eventually arriving at a compromise.

Sadly, as a result, the California law does not achieve anything beyond what existing rules of evidence already say: that once a case goes to trial, a judge can throw out evidence of condoms if the individual judge doesn’t think it’s relevant or thinks it’s unfair to consider condoms as evidence. The law leaves this up to individual judges to decide, which means people still cannot know in advance that it is always safe to carry or have condoms without fear that they will be used to arrest or charge them. Because grassroots groups working with people directly impacted by this practice, including sex workers’ rights groups, were not consulted regarding the compromises made to this bill, the end result will not produce meaningful change.

KEY STRATEGIES/LESSONS:

- ◆ **A broad coalition of women's rights, reproductive rights & justice, public health, anti-violence, anti-trafficking, LGBTQTS, youth, and harm reduction organizations – to name a few – is important to demonstrate the many ways this practice affects different communities and the many people who have a stake in putting an end to it. This can help build consensus among politicians who you need on your side.**
 - It is critical to check in with directly impacted communities before making compromises – otherwise the end result may make no difference or cause more harm. For instance, legislation that does not offer a ban on the use of condoms as evidence in all cases for all offenses still leaves people vulnerable to police harassment and prosecution for carrying, sharing, and having condoms on the premises, and in fear that having condoms will get them in trouble.
- ◆ **Keeping the voices and experiences of directly impacted people at the center of advocacy and messaging is critical to making the case for an end to the practice.**
- ◆ **Talk about how many condoms are distributed by organizations trying to reduce new HIV/AIDS infections - and how the money, time and effort that goes into condom distribution is being wasted if people are afraid to carry them or they are being taken away by police.**
- ◆ **Gather information and powerful stories about how the practice is affecting people. You probably won't be able to get information on how many people or cases are impacted by the use of condoms as evidence (generally police departments don't keep this information), but you can always ask the police department to produce it. You can also ask your local Legal Aid office to share cases where they have seen condoms used as evidence in criminal court complaints or police reports – just ask them to black out the names and identifying information of people involved. Also, ask them to be on the lookout for cases where condoms are listed on evidence vouchers (instead of being vouchered by police as personal property). There is really nothing more powerful than a personal story or a police report citing one or two condoms as evidence that someone was engaged in prostitution to make your point.**
- ◆ **Think of creative ways of sharing the information using visuals or social media.**
 - Ending the use of condoms as evidence is generally a long campaign for most cities and/or states, and the pressure to find a compromise is strong. Most of the time, compromises leave the most vulnerable members of our communities at risk. Proceed with caution.



RESOURCES FOR THIS SECTION

- New York State legislation
- Proposal to Manhattan District Attorney
- Hot Sheet for LGBTQTS youth meeting with Manhattan District Attorney
- SAS memo and testimonies
- Lambda Legal memo
- Safe Horizon memo
- Legal Aid Society memo
- Make the Road NY memo
- Florrie Burke Op-Ed
- MPD palm card
- SAS poster
- Survey used for the PROS report

AVAILABLE AT WWW.GETYRRIGHTS.ORG/CURRICULUM-AND-TOOLKITS


QUICK GUIDE TO CONSENT DECREES

- 1** The first step to getting a consent decree (*see definition of consent decree in the glossary*) is getting the **U.S. Department of Justice (DOJ)**, a department of the federal government, interested in your issues. Just like with changing policy, the first thing you'll need to do is document the problems. While the **DOJ** will sometimes bring criminal charges against police officers in individual cases of serious misconduct (usually shootings), this is rare. Usually the people in the **Civil Rights Division of the Department of Justice** investigate patterns of police misconduct that are the result of bad policies or police practices
- 2** Gather as many stories of the different kinds of discriminatory policing LGBTQTS youth in your communities are experiencing as possible. Get as many details as possible about each case, and look for themes & similarities among the stories you collect – it could be a particular group of officers involved (like vice officers or officers who are in charge of policing homeless people) or a particular situation (like treatment of transgender people in police lockups), or a particular pattern of behavior (profiling LGBTQTS youth for prostitution-related offenses). Try to keep good contact information for people you talk with in case the DOJ lawyers need to follow-up with them afterward. Make sure the people you speak with understand that you are gathering their stories to share with the federal government, not to bring an individual lawsuit that they will be able to get money for. And, it helps to manage expectations – many things that police do are wrong, but may not be violations of the U.S. Constitution and therefore might not be something the U.S. Department of Justice is able to do something about. Remember, what police should do is not always what they are legally required to do
- 3** Find out what your police department's policies are around the issues you are seeing – do they have a policy for interaction with LGBTQ people? Training? The DOJ will want to know what the police department is already doing about the issues you are raising
- 4** Send a letter to the U.S. Department of Justice telling them what you have found and asking them to investigate your police department. **Make a copy of everything you want to send and mail it to:**

**Special Litigation Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Special Litigation Section
Washington, D.C. 20530**
- 5** Send a copy to us at Get Yr Rights so that we can push our contacts at the DOJ to look into your issues

6 Got the DOJ or other attorneys interested in pursuing the case? **Don't stop! You're just getting started!** Remember, lawsuits are just one tool for reforming police departments and lawyers can try to drive the strategy without community voices at the table. Now is more important than ever to organize, organize, organize, including:

- Develop relationships with the U.S. Department of Justice lawyers – stay in touch with them, send them regular information about new developments. Invite them to a meeting of your members or of people directly impacted by the issues you are trying to address
- Coordinate with local civil rights, racial justice, and human rights groups to push for an investigation – send letters signed by as many groups as possible to the DOJ, if they have a local office, organize a group visit
- Once the DOJ launches an official investigation, make specific recommendations for findings you want included in the investigation report. Sometimes, the DOJ will conclude an investigation and decide to just work with the police department to try to fix the problem, so the findings will determine what they ask the department to work on. Other times, the DOJ will file a lawsuit against the department, and then agree to settle it if the department makes certain changes that the DOJ and the department negotiate together – the negotiated changes are called the “consent decree” and are approved and enforced by the court. If the DOJ decides to file a lawsuit against your police department based on their investigation, the investigation will drive what is included in the complaint the DOJ files against your police department in court, which will drive what is included in the Consent Decree. Stay involved and push for the reforms you want at every stage of the process, even if they are not “constitutionally mandated” – which means something that is needed to stop a constitutional violation. Often, you can get a lot of reforms in a Consent Decree that go above and beyond what is legally required of police
- Use a media strategy- lawyers and Judges are swayed by the media just like anybody else. Be sure to talk with the lawyers before putting anyone involved in the investigation in the media
- If the DOJ files a lawsuit, attend court hearings and stay involved in the case! Often, there will be time for public comment and communication directly with the Judge. There might also be special hearings where individuals in the community can testify. And if the parties enter into a Consent Decree, there might be ways the public can participate in the selection of the Court Monitor, too (the body that oversees the Consent Decree and reports to the judge on the progress of reforms)



CASE STUDIES

NEW ORLEANS DEPARTMENT OF JUSTICE CONSENT DECREE

After years of corruption and abuse, particularly during the federal levee failures in the aftermath of Hurricane Katrina, activists in New Orleans were finally successful in getting the United States Department of Justice (DOJ) to investigate the New Orleans Police Department (NOPD) in 2009, resulting in a federal Consent Decree in 2012.

In New Orleans, LGBTQTS youth, and particularly Black transgender young women, report being stopped for no good reason, profiled by police officers to be engaged in criminal activity when just walking down the street, accused of falsely identifying themselves when presenting ID's where the gender marker doesn't match their gender identity or expression, arrested after calling the police for help, called names and verbally harassed, approached for sexual favors by members of the NOPD, or sexually assaulted by the NOPD, or having their legal rights abused or undermined in other ways. Several transgender women who live in New Orleans told BreakOUT! that they were even afraid to leave their houses for fear of being stopped unlawfully by the NOPD.

From 2010 until the end of the DOJ investigation of the NOPD, BreakOUT! organized hearings with other community organizations for community members to share some of these personal stories of discriminatory and illegal treatment by NOPD officers. Since the NOPD has had such a long history of corruption, brutality, and nepotism with little to no accountability, including previous federal involvement, many community members were hesitant to share their stories with the government again, particularly older folks in the community. Those who were willing, however, gathered together through word of mouth, with promises of food and fellowship.

2010

A small group of people who would later form BreakOUT! rented a van to arrange transportation for the majority of attendees at one hearing, who were transgender young women of color living in motel rooms at a nearby complex.

At the meeting, what was supposed to be an opportunity to report on experiences with police harassment to a couple of DOJ representatives from Washington, D.C. quickly turned into a campaign planning session. Young people began talking about their rights with police officers and the kinds of long-term changes they wanted to see, particularly knowing that the DOJ would quickly come and go, like so many other hopeful reformers over the years.

Anchored by the Louisiana Justice Institute, community activists and organizations began putting together the “People’s Consent Decree,” a document of changes that New Orleanians wanted to see mandated in the Department which was eventually submitted to the Department of Justice. BreakOUT! provided recommendations for provisions related to the policing of LGBTQTS youth in the People’s Consent Decree developed by youth themselves at many of the hearings during the investigation.

2011

BreakOUT! presented their demands to the Department of Justice representatives in what would soon be named the **We Deserve Better campaign**.

“The We Deserve Better Campaign was great because it allowed me to really see myself as a researcher, advocate of change, and community leader. The campaign was full of great chances for us to organize our own people!”

– Nate Faulk, BreakOUT!

BreakOUT! continued to advocate and push for the inclusion of issues related to LGBTQTS youth of color in the DOJ investigation. Using every chance to raise the voices of LGBTQTS youth with experiences with policing, BreakOUT! used media advocacy, storytelling, community-based research, and testimony to keep LGBTQTS youth voices, and particularly young transgender women’s voices, in the forefront.

Later in 2011 BreakOUT celebrated one of their first major victories when the Department of Justice specifically named discriminatory policing practices against LGBTQTS youth and transgender women as an area of top concern in its 131-page investigative report.

BreakOUT! secured their first meeting with the New Orleans Police Department shortly after the **People’s Consent Decree** was submitted to the DOJ. BreakOUT! representatives brought recommendations and sample policies to the Department on behalf of other youth members who were understandably hesitant to sit across the table from NOPD officers.

When the NOPD asked BreakOUT! members to conduct training for the Department, this prompted a discussion about to the organization’s role and responsibility in policing reforms. Deciding that they would more likely lose power than gain power by training a Department that still had no policies in place and a history of abuse toward the very people they expected to train them, BreakOUT! youth members decided to make a video to offer to the NOPD – and the public – to share their stories and recommendations for reform.



The video, called “**We Deserve Better**,” was produced with help of local filmmakers, FosterBear Films, who volunteered to help. BreakOUT! members met to develop a storyboard for the short film, go through data and statistics they wanted to feature in the film, and develop the recommendations they wanted to highlight. BreakOUT! members talked about who wanted to have their faces appear on film. Those who did not want to be on camera shared what they wanted to see in the film. Some folks’ voices were included without filming their faces. Members wrote scripts for the film, instructions for editors, and a timeline for getting it done - all in under one month. This showed the NOPD that LGBTQTS youth were serious about their lives and safety, and intended the video to be shown to the season’s new recruits. The end product was an 11-minute video that shares the experiences of LGBTQTS youth being approached for sex by NOPD officers, called people the wrong names and pronouns, and being stopped by the NOPD for no good reason. After submitting the video, BreakOUT! received a one-line email from the Superintendent of Police: “*Thank you for the video, it was very well done.*” Unfortunately, the video was not shown in the Academy for too long, as it was deemed “too controversial.”

A couple of months later, BreakOUT! began surveying LGBTQTS youth and released preliminary data from their research project. They found that 15 out of 15 Black transgender young women reported being approached for sex by an NOPD officer.



The Department of Justice released their proposed **Consent Decree**, which included groundbreaking language that specifically stated:

- NOPD agrees to develop and implement a specific policy to guide officer interactions with members of the LGBT community.
- NOPD agrees that officers shall not construe sexual orientation gender identity or gender expression as reasonable suspicion or probable cause that an individual is or has engaged in any crime, and that officers shall not request identification from or otherwise initiate a contact solely on the basis of sexual orientation or gender identity/ expression.
- NOPD officers should not use sexual orientation or gender identity as the basis for conducting a search,
- NOPD officers are prohibited from engaging in transphobic or homophobic verbal harassment, and should address people using their preferred name and gender pronoun.
- Transgender people shouldn’t be subjected to more frequent or more invasive searches than cisgender people, that NOPD officers should never search anyone to view their genitals or assign them a gender, and that where searches by an officer of the same gender are justified by law, the individual will be searched by an officer of the gender expressed by the individual.

Understanding that the Consent Decree was only one tool in a larger campaign, BreakOUT! continued to organize for a place at the table while the City of New Orleans and the DOJ were tied up in a long process of appeals and legal objections.

For over a month, BreakOUT! members met through a collective process to develop a recommended policy to submit to the New Orleans Police Department, sifting through policies from San Francisco, Washington, D.C., New York, and Portland. BreakOUT! relied on the experiences of its members as the experts on reforms that were needed and went through the Consent Decree line by line to show how their recommended policy would comply with provisions of the Decree. BreakOUT! secured a meeting in front of City Council and presented the policy at the meeting, and got a verbal commitment from the NOPD to meet with the organization prior to adopting any policies in the Department.

However, it was still only after sending over 300 emails to the Mayor and Police Chief, issuing public statements like “Stop & Frisk Affects Us All” highlighting the common interests of LGBTQTS, youth, racial justice, and immigrant rights groups working against discriminatory policing and police profiling, and bringing allies from other racial justice organizations in New Orleans to rally at the steps of the NOPD headquarters, that BreakOUT! finally got a meeting to discuss the adoption of the BreakOUT!’s proposed policy.



On the 44th anniversary of the Stonewall Riots, the NOPD adopted Policy 402, which states, like the consent decree, that “...an individual’s race, gender, sexual orientation, or ethnicity or any combination thereof, shall not be a factor in determining probable cause for an arrest, the reasonable suspicion for a stop, or asset seizure and forfeiture efforts,” along with other provisions on stopping and searching LGBT people. It also includes provisions on searches saying, “At no time, shall an officer refuse to search someone based on their actual or perceived gender identity, gender expression, or sexual orientation. Under no circumstance shall members of this department search any person solely for the purpose of determining that person’s sex,” along with other provisions on stopping and searching LGBT people.

While this was celebrated as a great victory for BreakOUT!, not everything was perfect: there are many things that did not make it into the policy, it was passed before the DOJ had a chance to review it, and implementation is slow. Also, since then, the NOPD passed harmful immigration enforcement policies which violate the terms of the Consent Decree, called in the Louisiana State Troopers to police tourist areas of the city, and is now supporting private patrols to beef up policing in other areas as well. Also, state legislation passed that rolls back many of the reforms made and lowers the standard for reasonable suspicion, particularly in prostitution cases.

Understanding that the police will never effectively police themselves and that the DOJ will one day leave town, BreakOUT! shifted its focus to include more Know Your Rights strategies and alternative models to community safety. In order to hold the NOPD accountable, BreakOUT! launched a **Know Your Rights social media campaign to implement Policy 402 and began conducting Know Your Rights trainings for other young people in the community.**

BreakOUT! also strengthened their partnership with the Congress of Day Laborers through a campaign called Vice to ICE, which builds on similarities and solidarity based on the experiences of immigrants and LGBTQTS people with policing in New Orleans. BreakOUT! recently published We Deserve Better, the result of over a year’s worth of research and data collection about LGBTQTS youth experiences with the NOPD, along with recommendations for what will really make LGBTQTS youth safer in New Orleans- jobs, housing, and educational opportunities, rather than increased policing and surveillance.

BreakOUT! is still campaigning to end police profiling, strengthen policy 402, and get better training for officers in the NOPD. BreakOUT! is also fighting attempts to roll back reform efforts, and strategizing around the influx of other law enforcement agencies into New Orleans who operate under different policies, and receive different training than NOPD officers.

KEY STRATEGIES/LESSONS:

- **Creative use of media platforms:** Instead of training the NOPD, BreakOUT's use of video allowed youth to take the opportunity to amplify their voices and speak directly to the cops (and the larger public) without devote time and resources to interact regularly with the police, being subject to discriminatory or abusive treatment by police during trainings, risking retaliation afterwards, or compromising their politics. They also developed a well-tailored message to deliver to the media that invoked visions of safety and the shared value of youth - and repeated it over & over again.
- **Youth visioning and creation of needed policy reforms** was essential to arriving at a policy platform that reflected the needs of LGBTQTS youth. As experts in the ways they experience policing, LGBTQTS youth of color were essential to coming up with policy reforms that would have an impact on their lives.
- **Centering of Black trans youth voices:** Black trans youth are particularly targeted for some of some of the harshest policing abuses, and are routinely negatively profiled and generally harassed and arrested by the NOPD. Centering Black trans youth voices ensured not only that the ways policing plays out along lines of race, gender, sexuality, and gender identity/expression were considered in advocacy, but that the campaign also considered the ways these interact together.
- **Community-based research and positioning youth as experts:** Young LGBTQTS people of color are the experts in the ways they experience policing daily, and they know what they need. Their expertise was essential to creating impactful policy recommendations and research design. They conducted research on their own communities and learned how to crunch the data to back up their arguments.
- **Coalition-building and unlikely allies:** Working closely with allies at the Congress of Day Laborers to draw links between law enforcement profiling of transgender women and undocumented Latinx workers allowed organizers to maintain a larger vision for justice as they worked toward reforms and ensure that marginalized groups were not pitted against one another.
- **Using DOJ and federal involvement as a tool for reforms, not the end goal:** The Consent Decree provided an important opportunity to expand the conversation around policing in New Orleans, and an entry point into changing the policing issues that affected the lives of LGBTQTS youth, but it was important to be clear that the changes needed to keep young people safe would need to go much further. Strategizing how the Consent Decree could be a tool as part of a larger strategy to keep LGBTQTS safe from discriminatory policing was essential to the campaign's overall success.
- **A range of tactics:** From civic engagement (like speaking at City Council or meeting with other elected officials to gather support) to direct action (like showing up at NOPD headquarters) to participatory action research (gathering their own research and data), BreakOUT! used a range of tactics that were orchestrated together to work toward the same end goal.
- **Persistence is key.** Even after a well-executed video, policy proposals, and contact with people in power, a lot more work was needed to meet with the right people who could make the changes needed.



RESOURCES FOR THIS SECTION

- People's Consent Decree
- BreakOUT! Policy Proposals
- Policy 402
- Stop and Frisk Affects All of Us policy statement
- Power map tool
- We Deserve Better report & video
- #KnowYourRights Photo Shoot

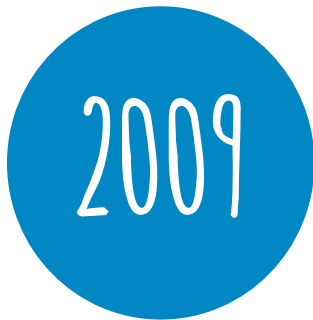
AVAILABLE AT WWW.GETYRRIGHTS.ORG/CURRICULUM-AND-TOOLKITS



RESISTING S-COMM

Communities United Against Violence (CUAV) in San Francisco works to build the power of LGBTQ communities to transform violence and oppression.

They support the healing and leadership of those impacted by abuse, and mobilize their broader communities to replace cycles of trauma with cycles of safety and liberation. As part of the larger social justice movement, CUAV works to create truly safe communities where everyone can thrive.



The Obama administration created the misnamed “**Secure Communities**” program, or S-Comm, as communities call it. S-Comm is a federal government program that forces local law enforcement agencies to partner with Immigration and Customs Enforcement (ICE). Before this program, fingerprints taken when people were arrested were just sent to the FBI to make sure the person arrested wasn’t wanted in another state. Through the S-Comm program, now they are also forwarded to immigration authorities. If the fingerprints produce a “hit” in the ICE database suggesting that the person doesn’t have lawful status or it simply can’t be found, the police are supposed to hold the person to turn them over to ICE for deportation. San Francisco, along with Illinois, Washington, D.C. Massachusetts and New York had tried to opt out of the program, but were told by the federal government that they had no choice but to be part of it.

** Just before this toolkit was finalized, the Department of Homeland Security ended the Secure Communities program as we know it, citing the criticism of the program as a reason for its discontinuation.²¹ That said, the memorandum announcing the end of the program suggests immigration authorities will continue to use fingerprint-based biometric data received from police departments to transfer immigrants convicted of certain offenses or considered to pose “a demonstrable risk to national security” to immigration detention. Though what this will look like exactly is not yet clear, we believe that this case study provides important strategies to resist the criminalization and deportation of immigrant LGBTQ youth.*

²¹ http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf

• You will notice that we use an x rather than using the masculine general (o) or the feminine (a) or even @ (e.g. Latinxs). We started using this in written Spanish after talking with Spanish-speaking trans communities about the ways that they want to see themselves in written language. We use the x in solidarity with them, to respect those who don’t fit that binary, and in an effort to question the false notion of a gender binary in written Spanish.

QUICK GUIDE TO FIGHTING IMPLEMENTATION OF SECURE COMMUNITIES* AND OTHER ICE/LAW ENFORCEMENT COLLABORATION PROGRAMS:

- 1 Reach out to local immigrant rights organizations and advocates to find out what efforts are underway to limit the implementation of programs requiring collaboration between local law enforcement and immigration authorities**
- 2 Highlight through stories and testimony the potential impacts of these programs on undocumented LGBTQTS youth targeted for discriminatory policing practices, focusing on profiling and low level offenses which bring LGBTQTS youth into contact with police, and on the frequent arrest of LGBTQTS survivors of violence when they call for help**
- 3 Join with immigrant rights and anti-violence organizations to identify and meet with sympathetic city or county legislators willing to propose legislation or policies which will stop local law enforcement agencies from turning people over to ICE**



CUAV began working in coalition with the San Francisco Immigrant Right Defense Committee (SFIRDC) to limit the implementation of “Secure Communities” in San Francisco.

CUAV identified this issue as an important opportunity to build Black and Latinx* unity. CUAV’s Latinx members identified policing on issues of immigration as an issue that affected their communities, while CUAV’s Black non-immigrant members rallied against S-Comm as an extension of the expansion of jails, prisons and detention centers – systems that have historically and to this day targeted their communities.

Members took leadership by learning about S-Comm and talked to other members of their communities about why this was an important issue for them. They saw connections through the growth of prisons and detention centers, through the ways Black folks, Latinxs, and immigrants – and people at the intersections of some or all of these identities - are criminalized - seeing S-Comm as one more way to criminalize Black and Brown bodies - and through the financial connections of companies that profited from policing these communities.

CUAV also identified the S-Comm program as a threat to undocumented LGBTQ youth of color. On one hand, LGBTQ youth of color are the targets of discriminatory policing on the basis of race, sexual orientation, and gender presentation, and are often profiled as trading sex, or engaging in lewd conduct, or are targeted for engaging in other criminalized activities like sleeping outside. On the other hand, because of rampant workplace discrimination, hostile educational environments, and a variety of other factors, LGBTQ youth of color enter underground and criminalized economies as a matter of survival. Combined with the fact that LGBTQ youth are disproportionately homeless, contact with law enforcement officers becomes more likely as a simple matter of existing in public space and engaging – or being profiled as engaging – in criminalized economies to survive.

Also, CUAV and other anti-violence groups’ experiences showed that when the cops respond to violence against LGBTQ people, they often arrest all people involved, including the person who was the target of violence, profile people as abusers based on race, gender identity or expression, immigration status or English language proficiency.

As a result, once the S-Comm program was implemented, undocumented LGBTQ youth’s negative encounters with the police could easily escalate into deportation proceedings.

**You will notice that we use an x rather than using the masculine general (o) or the feminine (a) or even @ (e.g. Latinxs). We started using this in written Spanish after talking with Spanish-speaking trans communities about the ways that they want to see themselves in written language. We use the x in solidarity with them, to respect those who don't fit that binary, and in an effort to question the false notion of a gender binary in written Spanish.*



Based on all of this, in the fall of 2011, CUAV and SAS drafted a statement about why LGBTQTS organizations should call for an end to the S-Comm program which was endorsed by over 75 LGBTQTS local, state and national organizations across the country.

The two organizations then partnered with the National Day Laborers' Organizing Network and Get Equal to release the statement on National Coming Out Day and start an online petition to call on the new LGBT White House Liaison, and on LGBTQTS people, communities and organizations everywhere, to "Come OUT Against S-Comm!" This caught the attention of the House Judiciary Committee at the national level, which read the statement into the record during hearings on the S-Comm Program.



When a local ordinance was introduced to limit how S-Comm was going to be implemented in San Francisco, CUAV saw a unique political opening to make the language of the proposed law much broader, to protect more people from S-Comm. Alongside coalition partners, CUAV mounted a public pressure strategy to move key city law makers in support of the legislation and to obtain a veto-proof majority.

CUAV and their allies passed local legislation in October 2013 severely limiting S-Comm-related deportations in San Francisco.

CUAV played a crucial role in the campaign by providing the coalition with a way to talk about the dangers of the S-Comm program through the lens of domestic violence. Based on participatory research on the experiences of CUAV's membership, there was an awareness of examples of survivors of domestic violence who had been arrested and handed over to ICE for deportation proceedings.

Using the domestic violence lens to talk about the ordinance was key to its passage. As a steering committee member of the San Francisco Domestic Violence Consortium (DVC), CUAV successfully organized the Consortium to take on immigration as a core issue and to become a champion of the San Francisco ordinance to end S-Comm related deportations.

CUAV had put the issue of S-Comm on the map within the local DV field back in 2008, providing training for members of the DVC, and serving as a bridge between DV advocates and the immigrant rights community. CUAV was therefore able to use its relationships to other domestic violence organizations to catalyze broader support for passing the law.

Through CUAV's work, Beverly Upton, the Executive Director of the DVC, raised awareness about S-Comm as an issue for domestic violence survivors while on the District Attorney's transition team. The solidarity work between SFIRDC and the DVC has helped mobilized a larger coalition of voices in support of the ordinance, and has been the to key to making the connections between surviving domestic violence and the dangers of S-comm.

In July 2013 CUAV, the DVC, and other "violence against women" organizations partnered to have a press conference and rally to kick-off the introduction of the local ordinance, the peak of over five years of work. When the San Francisco Board of Supervisors voted unanimously to pass the legislation, the three Supervisors who spoke afterwards each made reference to the domestic violence community, thanking CUAV for the work they did to make this vote possible.

The new law orders the San Francisco Sheriff to not honor ICE requests to hold people until they could be picked up by ICE under S-Comm unless the person arrested has previously been convicted of one of three felonies as defined by the California legal code. Even then, you must have been picked up, given a probable cause hearing, and found guilty of a similar offense before you can be turned over to immigration authorities. And even then, the sheriff has discretion on whether or not to honor the hold, and will consider whether you are a part of a community agency, in a rehabilitation program, have kids, and the potential impact on the community if you are released.

This historic legislation is being watched across the country, as other progressive coalitions develop strategies to fight the deportation epidemic in their communities. While implementation might be a continued site of struggle, thus far no one has been deported from San Francisco under S-Comm since the law was enacted.

Erica is an African-American transwoman who is currently in the process of regaining her sense of self-determination following a violent relationship. She is focused on healing from her trauma, working a new job, and starting school at City College. Erica went to CUAV while still in her violent relationship, and with the help of CUAV’s support group, counseling, and practicing healthy relationship skills, she made huge progress in finding stability and becoming a community leader.

Because Erica wants to fight for others to have the same opportunity she has had to build a safer life, she started going to membership meetings, where CUAV discusses the root causes of violence. She and other CUAV members went to a hearing at the San Francisco Board of Supervisors where the ordinance to end S-Comm-related deportations was introduced and, with the support of CUAV staff and other members, Erica testified at City Hall for the first time since transitioning. She spoke about the dangers of S-Comm to herself and others in her community.

Referring to how San Francisco city programs have helped her get on her feet, Erica stated, “It costs California tax payers \$65 million a year for ICE detainers. With the Due Process for All Ordinance, imagine how many more Erica Kanes could be saved by investing even a fraction of those tax dollars into our city programs.” Erica’s pathway through healing, regaining a sense of self-determination, and her blossoming confidence and leadership skills are all ways that CUAV qualitatively evaluates the work.



CUAV SCOMM

KEY STRATEGIES & LESSONS LEARNED:

- Public organizing and strategies to change the law are both very important.
- Bringing together a diverse group of people increases the likelihood of success.
- Craft a framework you feel good about before moving forward. For CUAV, it was important not to talk as though some of us worthy and some of us are not.
- When building solidarity between communities that are targeted differently by policing, find ways to make connections between different struggles. It took a long time to connect the issue for people who were not directly impacted by S-Comm because it seemed like such a confusing legal issue. But once we made the connections to criminalization, jail expansion and gentrification, people got it faster.
- It is also important to use campaigns as a tool to raise people's awareness of their rights.
- A public organizing strategy is a must. There are so many things that lawmakers said behind closed doors and not to people directly that they later took back. Get officials to state any promises publicly.
- It can be was really powerful to have people who are not usually seen as involved in progressive fights – like District Attorneys - using the same messaging as community advocates.
- It is important to identify allies on the inside. In this campaign, it was helpful to have allies who were connected to the Sheriff's Department and the Board of Supervisors.



RESOURCES FOR THIS SECTION

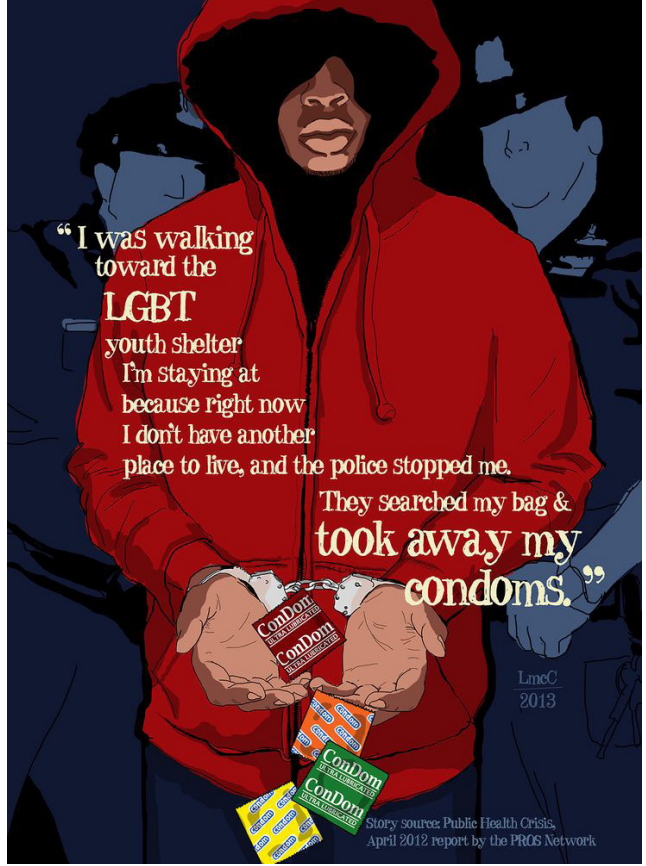
- San Francisco ordinance
- *Immigrants For Sale* video
- Stop S-Comm Now video
- LGBTQ Groups Come OUT Against S-Comm

AVAILABLE AT WWW.GETYRRIGHTS.ORG/CURRICULUM-AND-TOOLKITS



MEMBERS OF THE MISSOURI GSA NETWORK

On average State spend \$88,000 to incarcerate a Missouri student & only \$10,000 to Educate them



"I was walking toward the LGBT youth shelter I'm staying at because right now I don't have another place to live, and the police stopped me. They searched my bag & took away my condoms."

LmeC 2013

Story sources: Public Health Crisis, April 2012 report by the PROS Network



con - 2014.



YOUTH LEADERS FROM SAS AND BREAKOUT! AT A GET YR RIGHTS PLANNING RETREAT



I am more than my addiction.
Fighting for those I love,
fighting for my life.

YWU
USING ART



Young
Women
United

www.youngwomenunited.org



AT THE INTRODUCTION OF
THE COMMUNITY SAFETY ACT
IN NEW YORK CITY

Opening Up Diversity and Respect?
Don't Talk About Us, Talk With Us!
PICTURE

got reform?

TRANSGENERES
UNIDAS ET
CONTRA
DE LA
VIOLENCIA
POLICIAL

KNOW
Justice
KNOW
POLICE

Not
Crimina
COMMUNITIES
POLICE
REFORM

**COMMUNITIES
UNITED FOR
POLICE REFORM**
ChangeTheNYPD.org

The Audre Lorde Project
A Lesbian, Gay, Bisexual, Two Spirit, Trans
and Gender Non-Conforming People of Color
Community Organizing Center
85 S. Oxford Street, Brooklyn NY 11217-1607
Tel: (718) 596-0342 Fax: (718) 596-1328
Web: www.alp.org

TransJustice Now!
Demanding Jobs, Access to Quality
Education, Affordable Healthcare and
Housing for all New Yorkers
TransJustice - a part of the Audre Lorde Project - 718-596-0342





PrYSM's Do I Fit The Description photo campaign

ANTI-PROFILING LEGISLATION

QUICK GUIDE TO PASSING ANTI-PROFILING LEGISLATION:

- 1** Document the ways in which LGBTQTS youth of color experience policing – both similarly and differently to other members of communities of color
- 2** Identify groups working on the issue of profiling in your community and approach them about the possibility of introducing or amending an enforceable ban on profiling based on sexual orientation and gender identity along with race, age gender, and other ways police profile LGBTQTS youth in your community
- 3** Find a law maker who is supportive of the legislation to introduce it
- 4** Check out the model legislation in the NAACP report “Born Suspect,” discuss it with LGBTQTS youth directly impacted by profiling to see if it meets their needs and what they want to add or change
- 5** Build support among other LGBTQTS organizations for the legislation and get their commitment to make it a priority in their advocacy
- 6** Once the legislation is introduced, call for a hearing on the bill and mobilize LGBTQTS youth to attend the hearing to talk about why the law is necessary
- 7** Raise public awareness of the legislation through social media campaigns, opinion pieces, and public forums
- 8** Mobilize people to call, write, or visit their representative to demand passage of the bill
- 9** Show up the day the law is being voted on to make sure that the people who promised you they would vote for it do

CASE STUDIES

NEW YORK CITY'S BAN AGAINST PROFILING BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

People have been organizing and litigating against the NYPD's discriminatory, unlawful and abusive stop and frisk practices for decades – since New York State's stop and frisk law was first introduced in 1964, and upheld at the same time as the Supreme Court's decision in *Terry v. Ohio*, which said it was ok for police officers to make a stop based on “reasonable suspicion” that someone is committing or about to commit a crime. In one of his last speeches, Malcolm X called New York's stop and frisk law an “anti-Negro law.” James Baldwin, well-known a Black gay author and activist, wrote about his own experiences of racism and homophobia during stops under the law starting at the age of 10, and of resistance in Harlem to police profiling and abuse of Black residents.

1990'S

In 1995, following a number of police killings, GYR Network Member the Audre Lorde Project co-founded the Coalition Against Police Brutality along with the Malcolm X Grassroots Movement, Justice Committee, CAAAV – Organizing Asian Communities, and Sista II Sista.

After the 1999 shooting of Amadou Diallo, an unarmed 21 year old Guinean immigrant, in the lobby of his own apartment building during a stop, GYR Network Member FIERCE was formed to challenge the discriminatory policing of LGBTQ youth in the West Village, a historically LGBTQ neighborhood.

That same year, the Center for Constitutional Rights brought a lawsuit challenging the practices of the Street Crimes Unit which had killed Diallo. The settlement in that case required the City to collect and produce quarterly data on the number of stops conducted by NYPD officers.

2000'S

In 2008, original members of the Coalition Against Police Brutality demanded greater accountability from legal and policy advocacy organizations working on policing issues. As a result, grassroots groups and legal and policy organizations began meeting to develop an agenda to address discriminatory policing in New York City. As part of this group, Streetwise and Safe (SAS) worked to build greater understanding of the impacts of discriminatory policing on women and LGBTQTS people of color, and to make sure that the group's policy recommendations addressed gender and sexuality specific experiences of policing.



In 2011, according to the police department's own numbers, the NYPD made over 785,000 stops and frisks, bringing the total number of stops conducted since 2002 to over 5 million.

- 88% of stops were of Black and Brown people,
- Over half the stops were of people 14-21,
- In 88% of cases police couldn't even find a reason to write a ticket for a minor offense.²²

LGBTQTS youth of color were among New Yorkers subjected to all of these stops – and also often experienced homophobic and transphobic harassment during frisks and searches: demands for their “real” ID, profiling for prostitution-related and lewd conduct offenses, having their condoms taken away and used against them as evidence of intent to engage in prostitution, groping, “gender checks” and sexual harassment.

Following several high profile stops, including one involving a New York City Council Member, a broader coalition of organizations came together to form a citywide campaign to address the NYPD's discriminatory, unlawful and abusive policing practices, called Communities United for Police Reform.



Communities United for Police Reform (CPR) launched in 2012 with the introduction of the most comprehensive anti-profiling legislation in the country, which would create the first ever enforceable ban on profiling based on sexual orientation and gender identity along with race, ethnicity, religion, age, immigration status, disability (including HIV status) and housing status.

“*LGBTQ youth deserve protection on as many fronts as we are policed.*

– Chris Bilal, *Streetwise and Safe (SAS)*

In June of 2012, the NAACP, National Action Network, and unions representing service employees and government workers convened a Silent March to End Stop and Frisk in New York City, modeled on a silent march down 5th Avenue decades earlier to call attention to lynching. Passage of the comprehensive profiling ban was one of the key demands of the march.

In June of 2012, the NAACP, National Action Network, and unions representing service employees and government workers convened a Silent March to End Stop and Frisk in New York City, modeled on a silent march down 5th Avenue decades earlier to call attention to lynching. Passage of the comprehensive profiling ban was one of the key demands of the march.

Throughout the campaign for passage of what became known as the Community Safety Act, LGBTQTS youth played a critical role by testifying, lobbying, and raising the visibility of LGBTQTS youth of color's experiences of policing through mainstream and social media. LGBTQTS youth participated in social media campaigns about why they wanted to #changetheNYPD, and talking about why they are #morethanaprofile.

They also came out to share their stories at press conferences, rallies and public hearings called by New York City Council, explaining how their experiences of profiling were both similar to and different from those of other members of communities of color. Members of FIERCE and SAS also wrote and published powerful opinion pieces about why the bill was important to LGBTQ youth.

While the most visible aspects of the campaign were the public hearings and advocacy in support of the legislation, the campaign also had a strong community organizing component. LGBTQTS organizations such as SAS – which serves on the Steering Committee of CPR – play a critical role in developing “know your rights” materials and trainings for the campaign which include information specific to LGBTQTS people, women, homeless people and youth. The campaign also offers trainings for grassroots “know your rights” educators across the city, and made sure that trainings and materials contained information relevant to many different experiences of profiling and policing, including LGBTQTS people.

GYR Network member FIERCE, in collaboration with SAS and other campaign members, conducted an annual cop watch during Pride celebrations, and both organizations worked with fellow GYR member the Audre Lorde Project (ALP) to conduct extensive outreach and education about the campaign during Pride events across the city. ALP, FIERCE and SAS also routinely hosted events to raise awareness of the campaign and engage LGBTQTS communities and organizations in larger campaign activities.



In **March of 2013**, the second case challenging the NYPD’s discriminatory stop and frisk practices brought by the Center for Constitutional Rights went to trial.

Throughout out the 9 weeks of testimony from New Yorkers who had been stopped and frisked, including a Latina member of the LGBT community, LGBTQTS groups joined amicus briefs, packed the courthouse, and held press conferences highlighting the particular impacts of the NYPD’s discriminatory policing practices on LGBTQTS people and communities.

In **August of 2013**, the federal court found that the NYPD engaged in a pattern and practice of baseless and racially discriminatory stops, and ordered a Joint Remedial Process through which directly impacted communities would have an opportunity to propose reforms.

In **June 2013**, on the same day as the U.S. Supreme Court ruled in the gay marriage cases, the New York City Council made history by passing the first enforceable profiling ban based on sexual orientation and gender identity as part of the Community Safety Act, and created an independent NYPD Inspector General charged with monitoring NYPD policing practices.

When the Mayor vetoed the bill, the campaign doubled down to make sure there was enough City Council support for the bill to override the veto, rallying throughout the summer.

SAS and GYR members the New York City Anti-Violence Project drafted and circulated a letter to the New York City Council, and secured signatures from over 35 local, state and national LGBTQTS organizations. This helped push the New York City Council make history by overriding the Mayoral veto to create the first enforceable ban on profiling based on sexual orientation and gender identity.



GYR members the Audre Lorde Project, FIERCE, Make the Road New York and SAS are still playing a leadership role in ongoing organizing and advocacy to challenge profiling and discriminatory policing practices in New York City. All three organizations engage in coordinated “know your rights” education and outreach, research on the ongoing impacts of discriminatory policing, and city and state legislative advocacy, and will work to ensure that the voices and visions of LGBTQTS youth are lifted up and heard in the Joint Remedial Process ordered by the court in the *Floyd* case.

In the **Fall of 2014**, LGBTQTS groups came out once again to support introduction of the Right To Know Act, which would require officers to:

- identify themselves and give a reason for stops,
- advise people of their right to refuse consent to a search that has no other legal justification, and to record the person's voluntary informed consent before doing the search.

Once again, LGBTQTS youth are on the front lines, speaking out about why the legislation is important to LGBTQTS youth at press conferences and in op-eds.

“*Young women in SAS report being sexually harassed by East New York cops every day. Trans women in SAS being asked ‘who’s the top’ in Prospect Park by cops assuming they were going to have sex in the park. One trans woman in the same park had her condoms and her right to protect herself taken away by police while New York City promotes safe sex to this day.*

– Don Thomas, *Streetwise and Safe (SAS)*

KEY STRATEGIES & LESSONS LEARNED:

- ◆ The campaign's success was the product of years of relationship building, active engagement of a broad coalition of organizations, and the ability to seize a political moment in which public discontent around profiling and discriminatory policing reached a fever pitch.
- ◆ It is important to build a broad based coalition – local unions, faith-based organizations, community groups, harm reduction agencies, civil rights organizations, LGBTQTS groups, and women's groups, as well as national organizations such as the NAACP and National Action Network were all key to the campaign to pass the anti-profiling bill.
- ◆ It is also important to build unity around a shared agenda, and a practice of taking disagreements directly to each other as they arise, so that they can be resolved without the opposition using them as a wedge to divide the coalition.
- ◆ It may take years of relationship building and struggle to get broader buy in from racial justice and police accountability organizations and legislators around the importance of incorporating LGBTQTS experiences into broader descriptions of the problem of discriminatory policing and demands for change – but once you have it, you don't always have to be there to make sure LGBTQTS youth's experiences are addressed.
- ◆ It was important to ensure active engagement of LGBTQTS organizations working with LGBTQTS youth directly impacted by discriminatory policing in the campaign leadership and the campaign at large.
- ◆ It is important to show up for other communities in the ways we are asking others to show up for us.
- ◆ CPR's principles of unity specifically committed campaign members to highlighting the many different forms of discriminatory policing experienced by many different members of communities of color, including women and LGBTQTS people.
- ◆ Personal narratives are very powerful. Sharing personal narratives and connecting them to larger policy goals in media proved pivotal to the campaign's success.
- ◆ Prioritizing the voices of people directly affected – including LGBTQTS youth of color – at press conferences, legislative hearings, and in new and traditional media made it easier for coalition members, allies, and legislators to understand how LGBTQTS youth are impacted by discriminatory policing.
- ◆ Ensuring coordinated messaging and leveraging the larger campaign partners' media machines to promote messaging facilitated uplifting of the specific experiences of LGBTQTS youth.
- ◆ It is important to seize the moment when it is right. This campaign used the skyrocketing and racially disparate stop & frisk numbers, the stop and arrest of a young New York City councilmember, and the impending mayoral elections to push the issue to the top of the headlines



RESOURCES FOR THIS SECTION

- Community Safety Act
- Right to Know Act
- Fact sheets on Community Safety Act
- Fact sheets on Right to Know Act
- FIERCE & SAS Op-Eds
- City Council testimony
- Floyd forum fact sheet

AVAILABLE AT WWW.GETYRRIGHTS.ORG/CURRICULUM-AND-TOOLKITS

CASE STUDIES

FIGHTING POLICE PROFILING OF SOUTHEAST ASIAN YOUTH IN RHODE ISLAND

2001

Founded in 2001, the **Providence Youth Student Movement (PrYSM)** works to confront and end state, street, and interpersonal violence affecting the Southeast Asian American community in Rhode Island. For the past 5 years, PrYSM – whose founders and members include LGBTQ Southeast Asian Youth - has been engaged in a campaign to stop profiling and police brutality against the Southeast Asian community in Rhode Island.

2010

In **2010**, PrYSM joined the Rhode Island Coalition Against Racial Profiling, **formed in 2007** and made up primarily of mainstream advocacy groups and white allies. PrYSM believed that it was important to have directly impacted people in leadership on the statewide coalition. The coalition's main focus was lobbying and advocacy for the passage of the Comprehensive Racial Profiling Prevention Act, which would require state police to collect data on traffic stops and searches and to document the basis for pedestrian and motor vehicle searches. It would also ban searches of juveniles based on "consent" unless there is reasonable suspicion of criminal activity.

PrYSM organized to get leadership of color on the coalition, organized young people to be at the table, reached out to legislators of color, and brought community members who are directly impacted and community organizers and activists to the table to add to the mainstream lobbyist-based membership of the coalition.

2012

PrYSM teamed up with Youth in Action's Next Generation Media to make a video called Fitting the Description (available at: <http://vimeo.com/35659546>) to highlight Southeast Asian youth's experiences of profiling alongside experiences of Black youth, Black women, Latin@s and Muslim communities and call for passage of the Comprehensive Racial Profiling Prevention Act.

In **January of 2012**, two PrYSM youth leaders introduced the video at a press conference in support of the bill. They also displayed a photo project gathering pictures of youth holding signs saying "Do I look suspicious", "Do I fit the description" and other messages relating to racial profiling at the state legislature. Check out the photo project at www.getyrrights.org!

Throughout the year PrYSM also collected stories of racial profiling through the coalition's website, asking folks submitting testimony to answer a short list of questions. **Check them out at:** <http://ristopracialprofiling.com/share-your-story> The stories illustrate the experiences of South East Asian youth with traffic stops, gang profiling, and police harassment, alongside those of Black and Latin@ youth.

Later that year, PrYSM helped organize a rally in support of the bill.

“*We are standing up as people of color, youth, and allies in the struggle, to demand our legislators to put the bill to a vote and pass it! Every day, people of color in our communities continue to be targeted, searched, and harassed by police— the very people who are supposed to protect us. We cannot wait any longer. Stand with us to take back our streets and demand justice!*”

– PrYSM call to action for passage of state anti-profiling legislation

They also launched a petition on Change.org and got over 500 signatures supporting the bill. PrYSM also made t-shirts which read “My Skin Color is Not a Crime” to raise awareness of the impacts of racial profiling.

Finally, PrYSM published an op-ed in the Providence Journal about why the state bill was important to their members.

2013

On **February 4**, PrYSM celebrated Rosa Parks' birthday with a press conference in support of the state legislation. In **April of 2013**, PrYSM youth leaders testified at a hearing on the bill.

SHIFTING STRATEGY

The whole time they were involved in the state campaign, PrYSM wanted to expand the state bill to include a ban on profiling based on sexual orientation, gender identity, and immigration status, include provisions that would stop gang-related profiling of Southeast Asian youth, and create a way to enforce laws against profiling beyond collecting data about stops and searches.

While the mainstream organizations in the state coalition appreciated the numbers of people PrYSM could mobilize in support of the state bill, they weren't willing to expand the bill to include protections against profiling based on sexual orientation, gender identity, and immigration status, or to push for an enforcement mechanism. They also didn't want to talk about gang profiling, and said things like "we shouldn't be talking about gangsters." The coalition wanted to frame the story of racial profiling in Rhode Island to be one about "good people" being stopped – which made it almost impossible for PrYSM to work with them at times. PrYSM also learned that the state coalition was negotiating about the bill without letting PrYSM know what they were doing.

So PrYSM started forming another coalition called STEP UP (Standing to End Poverty and Undoing Profiling) in response to the state coalition's unwillingness to fully address the issues and concerns of people directly impacted by racial profiling. STEP UP began to bring the groups who were the real backbone of organizing in support of the state bill – youth organizations, immigrant rights organizations, Black organizing groups, and groups working with homeless people - into an effort to pass a much more comprehensive and enforceable city ordinance in Providence, the state capital.

On Juneteenth (June 19th) 2014 – the anniversary of the day the last people in the U.S. learned of the abolition of slavery - the STEP UP coalition supported the introduction of the Providence Community Safety Act. This legislation, modeled after New York City's Community Safety Act [see *New York City case study page 50*], also prohibits gang profiling, and would cover both state and local police. PrYSM is looking forward to working over the next year to build a campaign to pass this more comprehensive law and build power in Providence communities.

On **October 22nd 2014**, PrYSM and STEP UP hosted a People's Forum for Providence Mayoral Candidates. STEP UP teamed up with two other community groups to push forward a People's Platform that addresses the Community Safety Act, Public Money for Public Good (pushing Providence to create measures to improve economics for impoverished communities), and Community Agenda to Address Violence (calling on Providence to address the increase in street violence). This was the first public accountability session for elected officials to respond to the specific clauses laid out in the CSA.

KEY STRATEGIES & LESSONS LEARNED:

- It is important – but not enough - to have leaders of color join existing coalition spaces. Ultimately, forming a different, more local coalition led by groups directly impacted by profiling may be the only way to make sure that everyone's experiences of profiling are meaningfully addressed. Be clear about your bottom lines, know the power you have in a coalition, and set clear benchmarks for when you are willing to walk away if your bottom lines aren't respected by the coalition.**
- Communication & media is critical – think about how to frame things in a way that will help legislators and advocacy groups in the community to be on the same page. Find ways to communicate what bill language will mean for people on the street, and find ways to communicate people's experiences on the street to law makers. Visual media, story telling, and personal testimony can be effective ways of engaging community members in legislative campaigns and bringing the voices of directly impacted people to the conversation.**
- Intentional relationship building with community leaders, neighborhood associations and community centers in specific neighborhoods which are directly impacted is important to laying down what is happening in particular areas. It's important that lawmakers hear from the people who live in their district – even white neighborhoods, where black folks are being pulled over. It was also important to show that profiling is a city issue, a suburban issue, and a statewide issue.**
- Know your strengths, and divide up responsibilities among organizations in a coalition based on your strengths. For instance, advocacy groups and white allies can work on building relationships with police departments, state troopers and police unions around profiling while grassroots organizers in directly impacted communities can mobilize folks on the ground. In the beginning, after meeting with coalition members, the Providence Police Commissioner supported the state bill and rallied the department to support it by arguing that it didn't require officers to do anything they weren't already supposed to be doing. Unfortunately, they later changed their mind and withdrew their support.**

RESISTING POLICING IN PUBLIC SPACES: FIERCE

Under the slogan “The Rebellion is Not Over!,” in 2000 FIERCE began organizing a sustained response to increased policing and arrests of LGBTQ youth of color on New York City’s Christopher Street Pier and in the West Village – an area which has historically served as a community space for LGBTQ youth - as the area underwent redevelopment.

When the state and city government closed the Pier for reconstruction in **2001**, many West Village merchants, residents and political leaders expressed their hopes that the redeveloped Pier and beefed-up police presence would improve their quality of life. In response, FIERCE mounted a campaign – one of the first LGBTQ youth led organizing campaigns around policing issues in recent decades – around the notion that “quality of life” policing not only ignores, but adversely affects the quality of life of LGBTQ youth, especially those who are of color.

The “Quality of life” laws that were being aggressively enforced to drive LGBTQ youth out of the neighborhood gave police the authority to treat minor offenses such as panhandling, public urination, blocking a sidewalk, loitering with the intent to engage in prostitution, graffiti, and homelessness itself as worthy of prosecution. This emphasis on policing drew massive resources from social services and education that have the potential to actually address poverty and safety. In fact, under former Mayor Rudy Guiliani and continuing through the years of the Bloomberg administration, the only “public service” that received increased funding was “criminal justice.”

FIERCE began its campaign by surveying hundreds of queer youth who frequented the Pier about police harassment and abuse, finding that 98% had experienced police harassment. Over the next 10 years, FIERCE:

- Produced “Fenced Out,” a film about highlighting the historical significance of the West Village to Queer and Trans communities and the impacts of gentrification in the area
- Engaged in youth-led organizing and direct action around the impacts of “quality of life” policing on queer youth of color, regularly confronting the local precinct and residents alike at Community Board meetings and demanding respect for the “quality of life” of LGBTQ youth of color who call the Piers and the West Village their community.
- Won various demands and defeated hyper-development to maintain the Piers’ historical significance to Queer and Trans youth communities

Recognizing the role that redevelopment and gentrification play in driving increased police presence, FIERCE also secured a spot on a local planning commission, and issued a white paper on maintaining safe spaces for LGBTQ youth free of police harassment. FIERCE also represented New York City on the National Steering Committee of the national Right To the City Alliance, which works to develop a united response to gentrification and urban displacement.

Through a mix of youth-led organizing and activist strategies - including direct action, media advocacy, street visibility through art/activism, and testifying at public forums - FIERCE has been able to change the terms of the public debate about quality of life and public safety in the West Village so that the voices of merchants and residents, politicians and police, are not the only ones that are heard.

To this day, LGBTQ youth who go to the Pier report sharp increases in police harassment, false arrest and racial and gender profiling - usually for just being in the neighborhood. FIERCE continues to focus its campaigns on the NYPD’s oppressive “quality of life” policies and discriminatory, often violent, policing of our communities, conducts “know your rights” trainings for queer youth of color, leads an annual “copwatch” during annual Pride celebrations, and play a central role, along with GYR members the Audre Lorde Project, SAS, Make the Road NY and New York City AVP in elevating the voices and visibility of LGBTQ people in Communities United for Police Reform.

TO TRAIN OR NOT TO TRAIN?

Often, after we bring complaints to the attention of a police department that is somewhat willing to listen, but not willing to invest resources and energy into actually changing police practice and policy, the response is “Well why don’t you come train us then?”

For groups who have a campaign goal of getting training into the department, this can be a huge victory, of course. For others focused on getting a policy adopted, this could be a distraction from larger campaign goals.

Often, doing training without a policy can feel like spinning your wheels. Sometimes people go in to train the police only to find the police audience is very hostile, offensive, or disrespectful. For people who were very excited for the opportunity to train the police, this can be disempowering, triggering, and harmful. It is also possible that people in your group can be training the very people who have abused or hurt them - which could also make them easy targets for police retaliation.

Focusing on training could also hurt your larger goal because the police might say that they have received training now and that everything is okay and no further reforms are needed. Or worse, after an incident happens in the community and a police officer abuses an LGBTQTS person, the police might turn around and shift blame onto the organization that did the training. This, of course, can make it more difficult to hold the police accountable.

Other groups who don’t believe in the practice of state policing to begin with are not comfortable training the police on how to better police people, or investing time and resources into what they believe is a fundamentally flawed system.

Still, others might find that they are in a position of privilege or power and can help reduce the harms caused to others in the community by providing training for the police. Some see this as “harm reduction” and others see it as an integral strategy to reforming police departments to play an active role in maintaining public safety for everyone.

Every group has to decide what is right for them when it comes to training the police.

Some considerations to think through when deciding whether or not to train the police are:

- What is the larger campaign goal or vision for your group? Will this help you achieve your goal or distract you from a larger vision (like getting a policy adopted in the police department or getting the DOJ to investigate, etc.)
- Who will do the training? Will it empower those involved or disempower those involved? Do you have a wellness and safety plan in place if people become triggered during the training or experience retaliation afterward?
- How will you measure the effectiveness of your training?
- If you are involved in a lawsuit or trying to get the DOJ or another attorney to investigate your police department, how will this impact your claims?
- If you are a membership organization, how do members feel about this? How will they be involved? What is the “bottom line” or deal-breaker for your members when working with the police?

NATIVE YOUTH SEXUAL HEALTH NETWORK: MOVING AWAY FROM POLICY ADVOCACY



For many communities, a single-issue approach around state and police violence simply does not work. This is particularly true for Two Spirit and Indigenous LGBTQ youth throughout the United States and Canada. The Native Youth Sexual Health Network (NYSHN), an organization by and for Indigenous youth, has been on the forefront of creating an organizing approach that goes beyond “the cop” when thinking about the ways Indigenous communities experience state violence. While NYSHN was founded because of a lack of services for Indigenous youth around issues of sexual and reproductive health, this work cannot be done without looking at all the issues affecting the bodies and lives of Indigenous youth. That includes centering state violence. NYSHN locates this approach as rooted in the historical legacies of colonialism and the ongoing experiences of colonialism on Indigenous communities.

Law enforcement rarely listens to Indigenous communities when individuals report sexual violence, and physical and sexual violence, even murder, at the hands of law enforcement happens with no accountability.

Two Spirit and Indigenous LGBTQ youth are disproportionately profiled as being engaged in the sex trades and survival economies, and often locked up on low level drug offenses. Indigenous children are still, in line with histories of colonialism, removed from their families and communities, often with the cooperation and participation of law enforcement. HIV positive youth experience criminalization, and are offered few culturally relevant resources. Two Spirit youth experience heightened gender policing, including harassment, ‘gender searches,’ and ‘starlight tours’ which is when youth are picked up in an urban centers by law enforcement, driven out to rural areas, and dropped off. And these are just a few of the pressing issues affecting Indigenous youth.

For these reasons, NYSHN has moved away from efforts rooted in policy advocacy. The legacies of violence connected to the adoption of policies by the state in relationship to Indigenous communities have made engaging with these systems in good faith extremely difficult, if not impossible. For many Indigenous communities, the very existence of the U.S and Canada as a state is violence and therefore trying to work within that framework is ineffective for change. For NYSHN, responding to oppression can be done in a way that recognizes the organizing of their ancestors and Indigenous youth who are living resistance every day, and that reclaiming their bodies and restoring their cultures are part of the process.

NYSHN uses an approach of Transformative Resurgence, which means that we work to create more options for justice, not just the criminal (in)justice system, by meeting people where they’re at through community-based organizing to support Indigenous peoples directly impacted by colonial and state violence.

Returning to ourselves and our cultural knowledge as spaces for transforming how we respond to state forms of violence while also supporting peer-led initiatives.

Approaching these issues with an understanding of colonialism, cultural resurgence work becomes crucial in creating safety that allows Indigenous youth to bring their full selves into organizing work.



RESOURCES FOR THIS SECTION

AVAILABLE AT WWW.GETYRRIGHTS.ORG/CURRICULUM-AND-TOOLKITS

POLICE INJUSTICE: RESPONDING TOGETHER TO CHANGE THE STORY

- This statement from NYSHN came about as a response to issues regarding the lack of accountability in cases of missing and murdered Indigenous women and girls. The case of a particular young woman’s experience with the police as a survivor of sexual violence served as a catalyst for immediate actions. NYSHN wanted to highlight an incident of high media attention and place it within a historical context of violence and a lack of accountability for violence against Native communities at the hands of the police.

POSTERS:

- Images were created to have a response on the street – the experiences of police violence are on the street. Wanted to do it in several different places across the country at the same time as well.

USING ART TO COMBAT STIGMA AND CRIMINALIZATION IN NEW MEXICO



Young Women United (YWU) leads community organizing and policy change by and for self-identified women of color, including queer and trans*women, in New Mexico. They build communities where all people have access to the education, information, and resources we need to make real decisions about our own bodies and lives.

In New Mexico it's difficult to find someone who hasn't been impacted by substance use and addiction. As a majority people of color and indigenous state still feeling the deeply rooted impacts of colonization and colonialism, the communities YWU are part of face generational impacts of trauma with very few resources to navigate our health and healing. Women and people who are substance using and pregnant at the same time often face criminal (in)justice and healthcare systems that shame and stigmatize addiction, pushing them away from resources they may need. Led by the lived experiences of their communities, YWU has built policy efforts to de-criminalize families living through cycles of addiction and incarceration for many years.

But YWU also knows that policy change is only one part of the broader picture. They see art, organizing, and policy work as the collective mechanism through which we create real change our communities can see and feel. YWU understands art as a critical tenet of social justice movements. In their theory of change, they center those most impacted by the issue to shape the world they want to live in, and they are proud to bring the rich histories of our communities and our embodied ways of knowing to the important work of shifting culture.

In the **Spring of 2014**, YWU created a five week Art & Organizing Institute that brought together 3 New Mexico based visual artists and 12 women and people who had been pregnant and/or parenting in cycles of addiction. The institute was developed to push back on stigmatizing messages families have heard too often: "You must love your drugs more than your kids," or "If you really loved your kids you would just quit using."

Institute participants and visual artists were resourced for their engagement and leadership and developing art pieces featured in YWU's public education campaign. YWU staff and local writers and performance artists led workshops in photography, poetry, theatre of the oppressed and storytelling to capture the expertise of our communities and develop art and messaging that would shift public perception of addiction, pregnancy, and parenting.

On **Mother's Day of 2014** YWU launched their public education campaign, "**We Are More Than Addiction**," as a reclamation of the complexities of parenthood. They ran full side bus ads featuring the art and messaging developed throughout the institute.

Artists were an integral part of their organizing, learning directly from the lived experience and expertise of parents struggling with addiction and translating what they voiced into compelling visual art pieces.

YWU's deep commitment and belief in an activism that uplifts the expertise and leadership of communities and artists has strengthened their change making strategies to be more impactful and effective. Alongside women and people in New Mexico's criminal justice system, **YWU is leading legislative efforts in 2015** to bring a nuanced gendered lens to criminal justice reform.

WORKING IN RURAL AREAS

A lot of youth organizers are interested in discussing more ways to reach rural youth, whether this is youth on reservations without access to internet or youth in the middle of the country without a library for miles and miles.

Over the last year, the Get Yr Rights Network has been brainstorming more strategies to share our Know Your Rights information with LGBTQTS youth in rural areas as well as what would make this toolkit helpful for youth looking to make lasting reforms in their local police departments.

Some ideas shared with us included:

- **Creative use of social media.** Most young people, even in rural areas, can access the internet at school, their local libraries, cafes or coffee shops, or even a friend's house. While LGBTQTS young people might not run across your campaign or website just because it is posted on social media, attaching yourself to a popular hashtag can increase the likelihood of young people seeing it. For example, the Get Yr Rights Network hosted a Twitter Rally and Day of Action to coincide with National Coming Out Day in 2014, an event that many young people would find with a simple Google search. On the day of the rally, Network Members tweeted about staying safe with the police (and how it's not always safe for LGBTQTS youth of color to "come out" because it will increase targeting by police) and included both the hashtag #GetYrRights as well as #NCOD14, the hashtag chosen by mainstream LGBT groups. This resulted in one out of every three #NCOD tweets including #GetYrRights messaging, reaching over 409,000 people.
- **Utilizing local libraries.** Did you write a report about policing in your town or a larger city nearby? Trying to do outreach for an event? Have a great "know your rights" tool? Get it into the local library. Libraries serve an important role in our communities, even in the digital age! LGBTQ young people often find safe havens in libraries and use the computers, take naps after school, use the bathrooms to get cleaned up before the shelter opens, or peruse the shelves when they don't want to (or can't) go home. Post your flyers at the library, see if the library will carry your materials in their collection or in an archive, or sneak your materials in between the pages of the Encyclopedia! Also, some local libraries periodically sponsor speaking or learning sessions. Check with your local librarian to get information on how to present at these sessions.
- **Form relationships with schools, churches, barber shops, grocery stores, etc.!** Nearly every community has these places, some of which serve as the only one within a large radius. Be creative about getting the information out there! Getting LGBTQTS-friendly policies into your local police department might be more difficult for rural areas, too, or just require a different set of strategies and tactics. Here are some ideas for getting some movement on policing reform for LGBTQTS youth in your small town:

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- **Carefully craft your message.** Pay particular attention to your message and choose themes that invoke a sense of "shared values" with your audience. Some examples of shared values include safety, families, children and youth, opportunities, freedom, education, and more. Find something that everyone will agree on. For example, "All youth should be able to walk to school without fear" or "We should all feel safe in our communities." Then, talk about how discriminatory policing of LGBTQTS youth threatens these shared values. Building on messaging themes already existing in your community can help, too!

- **Establish strong relationships.** Relationships are extremely important when organizing in rural areas, the South, or anywhere without a large base of supporters. Often, in small towns, everyone knows each other, including the Police Chief or Mayor! Sometimes, this can work to your advantage when trying to get a policy adopted. Work your networks and be strategic about who you send to the meeting!
- **Talk about “Best Practice” and “Model Policies.”** It may not help talk about what New York or California did, but do stress that the Department can be a model or a leader in national policing trends. Think about ways those model policies or practices could be “tweaked” to fit the needs of your area. Present the policies to your local officials in the manner that stresses the needs of your area. Sometimes small towns like the idea of getting on the map, but consider your audience - not all communities are swayed by “outsiders” from big, “progressive” cities!
- **Talk about economic impact.** Figure out what will move your target. Often, small towns will be swayed by considering the economic impact policies could have on the city, such as appealing to a growing tourist industry or even avoiding costly lawsuits.
- **Use the media.** Often, it’s easier to get more media coverage in smaller towns because you aren’t competing with as many stories. Start to frame the issue ahead of time through op-eds or letters to the editor if you’re worried about how the reporters will cover your story.

CONCLUSION



The work highlighted in this toolkit shows that issues of discriminatory policing and criminalization are undeniably issues that affect LGBTQTS youth. Not only do these issues affect the lives of queer and trans youth - LGBTQTS youth experience these issues as central to the material conditions of their own lives, and are central actors in campaigns to change them. LGBTQTS youth are experts on how they experience discriminatory policing and criminalization, and the voices and perspectives of youth are essential components to campaigns that successfully target the distinct ways queer and trans youth are policed.

The rise of “broken windows” or “quality of life” policing, along with the increasing rates of incarceration, has had devastating effects on LGBTQTS communities, particularly LGBTQTS people of color. But along with increased policing, the past years have seen increased national attention and resistance to discriminatory policing. This toolkit makes clear that LGBTQTS youth are an integral part of efforts to resist discriminatory policing now, have been for decades, and are doing so successfully with a broad range of partners.

The analysis of this historical moment’s focus on police violence and racial profiling is incomplete without an analysis of the ways LGBTQTS youth are policed. The case studies in this toolkit showcase the diversity of LGBTQTS youth organizations doing this work and best practices for doing it successfully. With this resource, and other resources provided by the Get Yr Rights Network, no campaigns on policing need go forward without this critical analysis.

Nothing about us without us!

TERMS & DEFINITIONS

Broken windows policing refers to a theory introduced in 1982 by social scientists James Q. Wilson and George L. Kelling. Broken Window Policing Theory states that maintaining and monitoring urban environments in a well-ordered condition may stop further vandalism and escalation into more serious crime. The theory explicitly names youth, homeless people and people who are involved in the sex trades as signs of disorder, and has been acknowledged by its authors as creating conditions for discriminatory policing practices. It has never been proven to reduce violence in communities, and one of its authors later disavowed it.

Chief of Police – same as Superintendent of Police

Cisgender (or non-transgender) refers to people whose gender identity and gender expression are the same as the sex assigned to them at birth.

Gender identity is how someone identifies their gender. While a person's sex is generally assigned at birth as male or female, a person's gender identity is their own understanding of their gender, and does not have to fit into the male/female binary. One's gender identity might be man/boy or woman/girl, and it also might be genderqueer or transgender, to give just a couple examples.

Gender expression refers to how a person embodies (or expresses) their gender identity - how they talk about their gender, how they dress, and how they perform different "gendered" roles.

Gender non-conforming is used to describe someone who does not conform to stereotypical ideas of what "man" or "woman" is or stereotypical expressions of masculinity or femininity.

Consent Decree is a legal document that outlines the terms of an agreement between two parties in court. When you sue a police department, often what results is a Consent Decree, which outlines what changes the police department has to make. Often, a **Court Monitor** checks in periodically about the progress of the Consent Decree and reports to a **Judge (often, a Federal Court Judge)** who makes sure they're doing it right.

A **Class Action Lawsuit** is a lawsuit that a bunch of people bring together (a "class") who all have a very similar injustice in common. By joining together as a "class," they can show that it's not just one isolated incident, but a larger "pattern and practice" happening. For example, a bunch of people who have all been detained and abused in the same police holding cell or detention center could bring a lawsuit together as a class to make changes to the conditions of confinement in the detention center.

The United States **Department of Justice** (or the DOJ or the Justice Department) is the U.S. federal executive department responsible for the enforcement of the law and administration of justice. The Department is led by the Attorney General, who is nominated by the President. The Civil Rights Division is the division within the DOJ responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin, and is often the arm to investigate police departments.

LGBTQTS is an acronym that stands for Lesbian, Gay, Bisexual, Transgender, Questioning / Queer, and Two-Spirit.

Lesbian – A woman or girl attracted either emotionally, physically, or sexually to other women or girls.

Gay – Usually refers to a man or boy attracted either emotionally, physically, or sexually to other men or boys. Can also be used as a general term for someone who is lesbian or gay.

Bisexual – Someone who is attracted either emotionally, physically, or sexually to men and women. Other terms like pansexual can be used to refer to people who are attracted to people of all genders.

Transgender refers to people whose gender identity and/or gender expression are different from the sex assigned to them at birth. Transgender women (or transwomen) may identify as both transgender and as a woman and transgender men (or transmen) may identify as both transgender and as a man. Or, they may identify as a person of transgender experience.

Queer – Can be used as a general term to self-identify as someone who falls under the spectrum of LGBTQ identity, but might not necessarily identify with narrow definitions of gay, lesbian, or bisexual. Can also be used as a term to describe a political identity. This term was once considered derogatory but has since been reclaimed by many young people and communities.

Questioning – A term that can be used to describe someone who is questioning their gender identity, gender expression, sexual orientation, or other aspects of self.

Two-Spirit – A term used by indigenous or Native communities to describe someone who inhabits both the spirits of masculinity and femininity or may be “gender non-conforming.”

Sexual orientation is a term that generally refers to who a person is romantically, emotionally, or sexually attracted to. Some people are attracted only to people of one gender, others are attracted to more than one gender, and others don't really care that much about the gender of their partners or are attracted to people of all sorts of different genders.

NETWORK MEMBERS

As of February 2015

Audre Lorde Project (*New York, NY*),
Black and Pink (*Boston, MA and National*),
Branching Seedz of Resistance (*Denver, CO*),
CAAAY (*New York, NY*)
Communities United Against Violence (*San Francisco, CA*),
DC Trans Coalition (*Washington, D.C.*),
El/La (*San Francisco, CA*),
FIERCE (*New York, NY*),
Freedom Center for Social Justice (*Charlotte, NC*),
Freedom Inc. (*Madison, WI*),
Gender Justice L.A. (*Los Angeles, CA*),
Gender Justice League (*Seattle, WA*),
Get H.Y.P.E. / Attic Youth Center (*Philadelphia, PA*),
Global Action Project (*New York, NY*),
GSA Network,
JASMYN (*Jacksonville, FL*),
Lambda Legal (*New York, NY and National*),
Lyric (*San Francisco, CA*),
Make the Road New York (*New York, NY*),
Missouri GSA Network (*St. Louis, MO*),
Native Youth Sexual Health Network (*Turtle Island*),
North Carolina Harm Reduction Coalition (*Durham, NC*),
Out Now (*Springfield, MA*),
Prax(us) (*Denver, CO*),
Providence Youth Student Movement/ PrYSM (*Providence, RI*),
Racial Justice Action Center (*Atlanta, GA*),
SMYL (*Washington, D.C.*),
Southerners on New Ground (*Atlanta, GA and Southern Region*),
SPARK Reproductive Justice NOW (*Atlanta, GA*),
SRLP – Sylvia Rivera Law Project (*New York, NY*),
Stonewall Youth (*Olympia, WA*),
Trans Youth Support Network (*Minneapolis, MN*),
Young Women United (*Albuquerque, NM*),
Youth Organizing Institute / NC HEAT (*Durham, NC*)

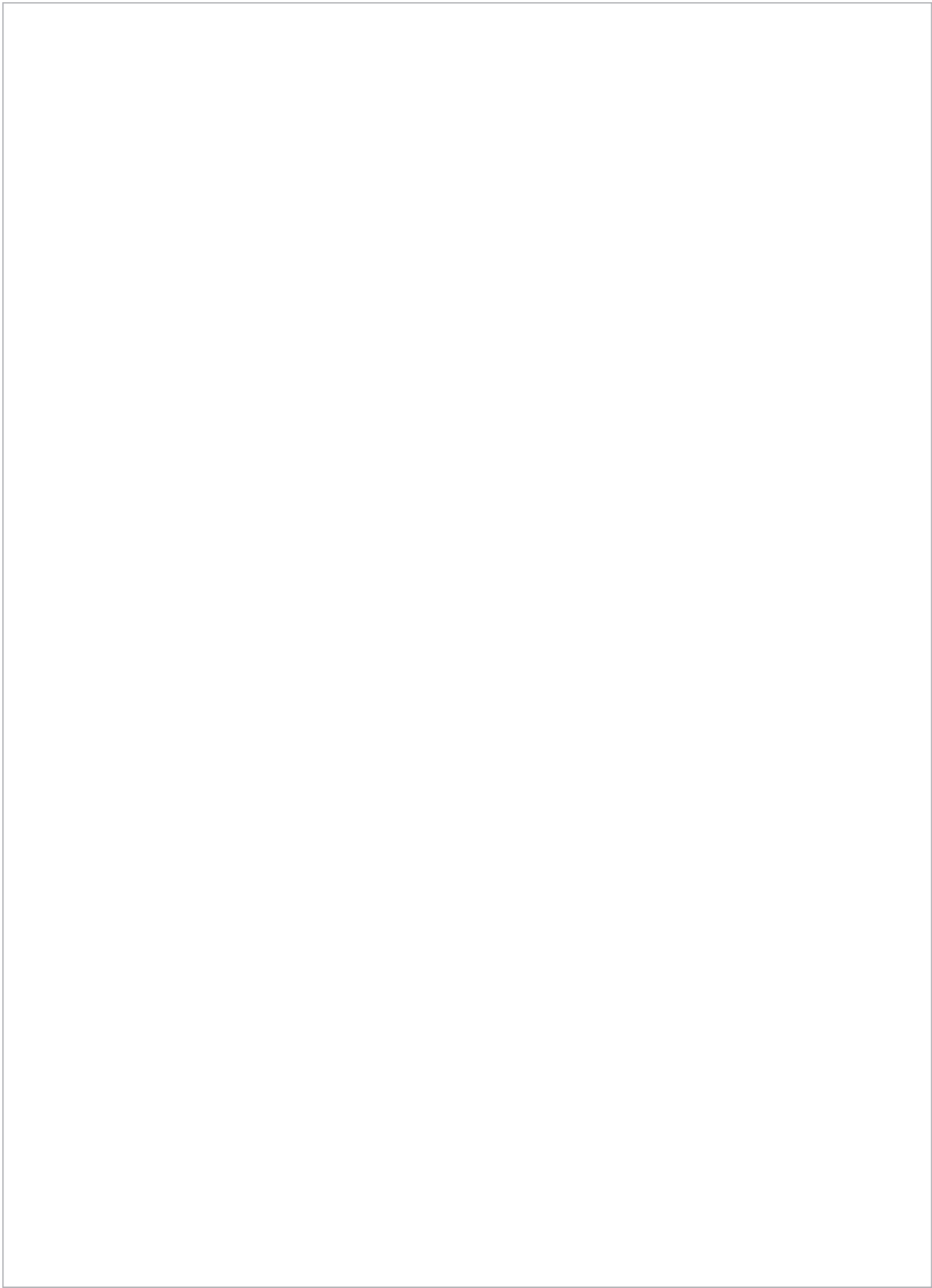
GETYRRIGHTS NETWORK PARTNERS INCLUDE:

Brooklyn Community Pride, Empire Justice Center,
Forward Together, the HIV Prevention Justice Alliance,
and the National Coalition of Anti-Violence Programs.

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