

TRANSGRESSIVE POLICING

POLICE ABUSE OF LGBTQ COMMUNITIES OF COLOR IN JACKSON HEIGHTS

Report by Make the Road New York
October 2012

Acknowledgements

This report is only possible because hundreds of community residents of Jackson Heights decided to tell their stories about interactions with NYPD. First and foremost, we would like to thank the members of the LGBTQ Justice Project at Make the Road New York for telling their own stories, and for supporting people across the neighborhood to do the same.

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Executive Summary

I was just buying tacos. They grabbed me and handcuffed me. They found condoms in my bra and said I was doing sex work. After handcuffing me they asked me to kneel down and they took my wig off. They arrested me and took me away.

-Transgender Latina woman, Jackson Heights

After hearing numerous complaints of police abuse and misconduct against LGBTQ¹ people in Jackson Heights, Queens, Make the Road New York (with help from the Anti-Violence Project) surveyed over 300 Queens residents about their experiences with police in the neighborhood. The survey findings and individual testimonies reveal a disturbing and systemic pattern of police harassment, violence, and intimidation directed at LGBTQ community members. The discriminatory use of “stop and frisks” in the policing of communities of color has been well documented - the 110th and 115th precincts that are responsible for policing Jackson Heights had 90%-93% rates of stop and frisk activity towards people of color in 2011. Our survey reveals, however, that within this community LGBTQ people of color are particularly targeted.

Key Findings

While our survey found negative police interaction across gender identities and sexual orientations in Jackson Heights, LGBTQ and particularly transgender respondents, reported being stopped by police at a higher rate. While 28% of our non-LGBTQ respondents reported that they had been stopped by police, 54% of the LGBTQ respondents reported having experienced a police stop and 59% of transgender respondents reported that they had been stopped by police.

Many transgender interviewees reported being profiled as sex workers when they were conducting routine daily tasks in the neighborhood. They commonly reported stops that seem to be without basis but in which the police officers involved later justified the stop by charging the person with prostitution-related offences because condoms were found in their possession. These arrests were frequently accompanied by verbal and physical abuse.

Of those respondents who had been stopped by police, **LGBTQ people reported more frequent experiences of police abuse and harassment**, including verbal harassment (such as being called

The only reason we can think of for Freddy's arrest is the fact that we are gay and that we kissed in public. Today I am still scared to show any public display of affection for fear that we will get stopped and arrested by the NYPD.

-Gay Latino man, stopped by police in Jackson Heights

¹ Lesbian, gay, bisexual, transgender, and queer

“faggot” or “maricón”) and physical abuse (such as being physically handled, pushed and shoved, being made to kneel, and sexual abuse). While 33% of non-LGBTQ respondents said that they had been physically or verbally harassed by the police, 51% of LGBTQ respondents who had been stopped by police indicated that they had experienced police harassment and 61% of transgender respondents reported that they had been harassed by the police.

LGBTQ and particularly transgender respondents also reported being physically abused by police at a higher rate. 28% of non-LGBTQ respondents reported they had been physically harassed by police when stopped. This compares to 38% of LGBTQ respondents who said they had experienced physical harassment by the police and 46% of transgender respondents reporting some form of physical abuse by police.

Of particularly grave concern were the many reports we received of sexual abuse perpetrated against transgender respondents by police officers. A number of interviewees described harrowing incidents of sexual assaults by police officers in Jackson Heights and recounted being forced to perform sexual acts under threat of arrest.

Key Recommendations

- 1. New York City council should pass the Community Safety Act**, which includes the following regulations:
 - a. NYPD officers would be required to explain to potential subjects of a search that they have the right to refuse a search when there is no warrant or probable cause.
 - b. NYPD would be banned from profiling based on race, religion, age, sex, gender identity, sexual orientation, immigration status, housing status, disability (including HIV status) or actual or perceived occupation.
 - c. NYPD officers would be required to provide their name and rank to persons being stopped and frisked. NYPD officers would also have to provide the specific reason for the stop and a written record to the person.
- 2. The New York state legislature should pass the “No Condoms as Evidence” Bill** to prevent the police from using possession of condoms as evidence of prostitution-related offenses.
- 3. NYPD should immediately implement the new transgender policing policy announced on June 12, 2012**, which prohibits searches to ascertain gender and requires police to refer to transgender people by their preferred name and gender pronoun at all times, and to search and house individuals in police custody in a manner consistent with their gender identity and safety. All NYPD officers should be trained in this new policy and it must be actively promoted and enforced among officers.
- 4. All officers at the 110th and 115th precincts should be required to participate in training** regarding LGBTQ sensitivity and the Jackson Heights LGBTQ community.
- 5. NYPD should appoint an additional LGBTQ Liaison Officer specifically for the 110th and 115th Precincts** and that Liaison Officer should meet quarterly with community organizations.
- There must be a **full-scale investigation of sexual abuse perpetrated against transgender people** by NYPD officers across New York City, with a particular focus on the 110th and 115th precincts.
- The Civilian Complaint Review Board (CCRB) should investigate and issue recommendations regarding patterns of police profiling and abuse of LGBTQ people.** CCRB should also commence keeping data on the frequency and nature of complaints by LGBTQ persons against NYPD and they should publicly release that data on a yearly basis.
- All of the above recommendations should be implemented in a manner that **ensures language accessibility**, including making translations of written materials and forms available in community languages and providing interpreters to individuals making complaints.

Introduction

In late 2010, Natasha², a transgender Latina woman living in Queens, was on her way home from dancing at a Jackson Heights nightclub. On the way, she asked friends to meet her at a nearby taquería — a common practice to enjoy a quick meal and to ensure that everyone in their circle of friends was safe. While walking to the taquería, a man pulled up in a dark-colored car and asked “Why are you so beautiful, yet alone?” As Natasha inched closer to hear what the man had said, two undercover officers jumped out of a van parked nearby and informed her that she was under arrest for engaging in prostitution. The officers handcuffed her and put her in a police van filled with around a dozen

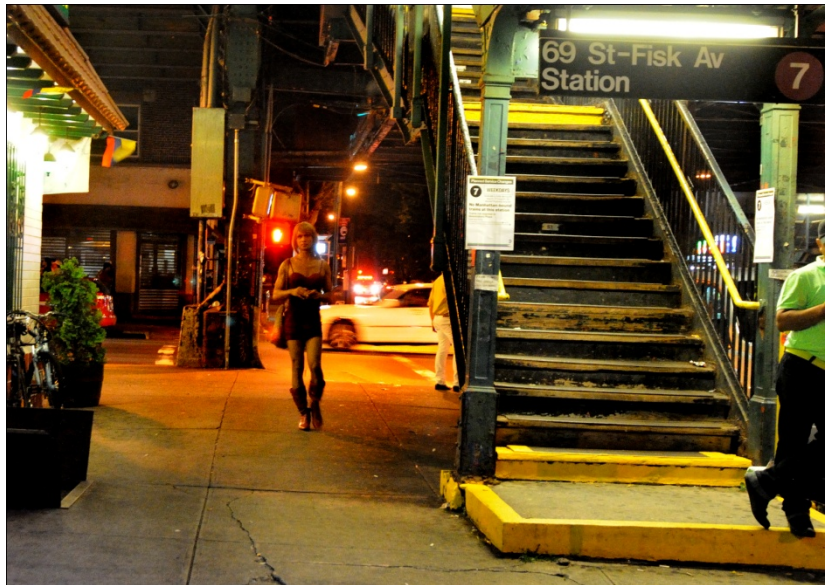


Photo Credit: Joana Toro, 2011

other transgender women. Natasha was taken to the 115th Precinct in Jackson Heights, fingerprinted, and transferred to Central Booking. Once there, she was put into a cell with all men and subjected to verbal harassment from some of the men in custody and various police officers. She expresses the humiliation of the experience: “tears streamed down my face as for the first time I was encountering the daily harassment that transwomen face just walking home.”

Natasha’s experience is not an isolated one. Between 2010 and 2012, the LGBTQ Justice Project of Make the Road New York (MRNY), with help from the New York City Anti-Violence Project (AVP), collected survey data and individual testimonies throughout Jackson Heights, Queens. Our outreach and findings illustrate a pattern of police harassment and violence against LGBTQ people in the neighborhood. This pattern of misconduct is in part a reflection of local demographics and local tensions. However, the stories in Queens mirror reported incidents both throughout New York City and in other U.S. cities, where LGBTQ, and particularly transgender and gender nonconforming people continue to report widespread and pervasive police profiling, harassment, and brutality.³

This report shares the statistics drawn from the surveys conducted by MRNY and AVP, as well as narrative accounts of experiences with police in Jackson Heights from the individuals surveyed, including LGBTQ Justice Project members. Based on these findings, this report makes a number of recommendations to improve and transform the way NYPD interacts with LGBTQ communities in Jackson Heights and throughout New York City.

² We have changed the names of the individuals mentioned in the report in order to protect their privacy and security. Unless otherwise stated, all incidents recounted by interviewees in this report occurred in the last 5 years.

³ See *infra* notes 10-11, 25, 28-29, 33-34, 37, 39, 43

About Make the Road New York

Make the Road New York (“MRNY”) builds the power of immigrant and working class communities to achieve dignity and justice through community organizing, policy innovation, transformative education, and the provision of high quality legal and support services.

MRNY was created in 2007 through the coming together of Make the Road by Walking and the Latin American Integration Center, two of New York City’s most dynamic community-based organizations. Today, MRNY is one of the largest participatory grassroots immigrant organization in New York State with 11,000 members, primarily Latina women, and offices based in the economically marginalized immigrant communities of Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; and Brentwood, Long Island. MRNY brings together low-wage immigrant workers, parents, tenants, young people, and LGBTQ community residents, into a unified and powerful organization working to promote equality, justice and opportunity for all New Yorkers.

MRNY’s LGBTQ Justice Project supports lesbian, gay, bisexual, transgender, questioning, and queer immigrants and people of color in efforts **to promote respect, opportunity, and safety for the LGBTQ community**. The project works to confront three interconnected community problems that uniquely negatively impact the low-income LGBTQ community, in general, and low-income LGBTQ youth of color, in particular: unsafe schools, unsafe workplaces, and unsafe communities. The project confronts these challenges through grassroots research, community organizing, leadership development, policy innovation and advocacy.



About this Report

Jackson Heights, Queens and neighboring Elmhurst are home to two of the largest and most diverse immigrant communities in New York City. In both neighborhoods, people who were born outside of the U.S. make up more than 60% of the population.⁴ The community in Jackson Heights is predominantly Latino/a immigrants with 60% of its residents comprised of individuals from Ecuador, Colombia, Bolivia, Mexico, Argentina, Peru, and Uruguay.⁵ Half of these residents are not proficient in English, and of those, nearly three quarters speak Spanish in the home.⁶ Poverty in Jackson Heights is also prevalent. More than 15% of all families fall under the federal poverty line, in both the Jackson Heights and the Elmhurst/Corona areas.⁷

Jackson Heights is also home to a rich and diverse LGBTQ community. There are at least eight LGBTQ clubs and bars on the Roosevelt Avenue and 37th Avenue business strips. There are also plenty of beauty salons and restaurants owned by openly LGBTQ entrepreneurs such as Oxígeno Beauty Salon, located on 83rd Street and Roosevelt Avenue; and Novo restaurant, located on 37th Avenue and 78th Street. Queens Pride House, an LGBTQ community center located in Jackson Heights serves as a safe space for LGBTQ members in the community. In the heart of Jackson Heights, MRNY's office holds weekly programming and organizing meetings for LGBTQ people of color. Since 1993, Jackson Heights has been the host of the Queens Pride March with 40,000 spectators from the neighborhood and other parts of the city flocking to watch the parade march down 37th Avenue each year.⁸ The strength and size of the LGBTQ community in Jackson Heights is also demonstrated by its representation on New York City Council by openly gay City Council member Daniel Dromm.⁹

Despite the increased visibility of LGBTQ community members in Jackson Heights, hate violence and police violence and harassment based on sexual orientation and gender identity still occur in the community.

In April 2010, after community members alerted MRNY to incidents of police violence and harassment taking place in Jackson Heights, MRNY's LGBTQ Justice Project hosted an event called "Building Bridges" in its Jackson Heights office. At this event, many community members expressed concern around a rise in hate violence and police brutality against the LGBTQ community in Queens. After this forum, the members of MRNY's LGBTQ Justice Project decided to conduct a preliminary survey to identify the nature of police interactions with the LGBTQ community and to ascertain the extent of the problems that had been brought to light during the "Building Bridges" event.

MRNY's LGBTQ Justice Project approached AVP and other organizations to design a tool that would survey experiences with the police, as well as assist community members in pursuing organizing and advocacy strategies, and accessing counseling, legal services and other resources. Additionally, MRNY, AVP, the Sex Worker's Project at the Urban Justice Center, the Gender Identity Project at the NYC LGBT Community Center, the Latino Commission on HIV/AIDS, the Sylvia Rivera Law Project, Queens Pride House, Queens Legal Associates, and VocesLatin@s, began a collaborative effort to support the individuals who had already detailed stories of police brutality and profiling. These groups also started to collect more information from the community on the state of New York City Police Department's (NYPD) interaction with Jackson Heights' community members.

⁴ *Who We Are*, MAKE THE ROAD NEW YORK, http://www.maketheroad.org/whoweare_abouto3urcommunity.php (last visited Jul. 27, 2012).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *About Us*, QUEENS PRIDE, <http://queenspride.org/About.html> (last visited Jul. 26, 2012).

⁹ *About Council Member Dromm*, THE NEW YORK CITY COUNCIL, <http://council.nyc.gov/d25/html/members/home.shtml> (last visited Jul. 26, 2012).

With the help of AVP, MRNY surveyed 305 people in Jackson Heights about their experiences with the police in the neighborhood. The survey findings and individual testimonies collected and shared in this report strongly illustrate serious problems concerning police interaction with Jackson Heights's LGBTQ community.

Context: The Criminalization of LGBTQ Communities in the U.S.

LGBTQ communities, especially those of color, have experienced and continue to experience criminalization in a variety of ways. In addition to continuing public stings and raids, selective enforcement of low-level crimes and vague “lewdness” statutes, false arrests for prostitution-related offenses, harassment around gender identification and “gender checks” – searches conducted to assign someone a gender – are commonplace for individuals perceived to be LGBTQ.¹⁰ In New York City, “quality of life” policing, initiated by Mayor Giuliani in the early 1990s,¹¹ allows broad officer discretion in enforcement. Such discretion allows individual officers to stop, question, frisk, and arrest for minor offenses such as loitering, noise, and disorderly conduct, and to target marginalized and highly-visible groups such as LGBTQ people of color.¹² Physical abuse frequently accompanies selective stops and arrests, as does verbal harassment in the form of threats, name-calling, and sexual harassment.¹³

Stop-and-Frisk

“Stop-and-Frisk” is a practice in which police officers may – based on articulable, reasonable suspicion of criminal activity – stop an individual for questioning, and, if they have reasonable suspicion that the person may be armed or present a danger to the officer, frisk the person stopped for weapons.¹⁴ In 2011, the NYPD conducted over 685,724 stops;¹⁵ a 600 percent increase in street stops since Mayor Bloomberg’s first year in office in 2002. There is little evidence, however, to prove that this dramatic increase in the use of stop-and-frisk has actually reduced crime. In fact, in 9 out of 10 stops in 2011 there was no probable cause to arrest or ticket the person.¹⁶ Furthermore, frequently these stops are not based on reasonable suspicion but rather racial and other forms of profiling and discriminatory policing¹⁷ and they unfairly target people of color. In 2011 nearly 90 percent of stops were of were Black or Latina/o people.¹⁸

Stop-and-frisk is exceedingly common in communities with significant populations of people of color.¹⁹ Jackson Heights, Elmhurst, and Corona are no exception. The 115th precinct²⁰ has the third highest rate of stops in the city



Photo Credit: Kike Seba, 2011

¹⁰ Joey L. Mogul, Andrea Ritchie, & Kay Whitlock, *Queer (In)Justice: The criminalization of LGBT people in the United States* 48-68 (2011).

¹¹ *The Problem*, COMMUNITIES UNITED FOR POLICE REFORM, <http://changethenypd.org/problem> (last visited Jul. 25, 2012).

¹² Amnesty International, *USA: Stonewalled: Police Abuse and Misconduct against Lesbian, Gay, Bisexual, and Transgender People in the U.S.* 52-56 (2005).

¹³ Mogul et al., *supra* note 10, at 48-52; Amnesty International, *supra* note 12, at 58-81.

¹⁴ New York Civil Liberties Union, *Stop-and-Frisk 2011 Report* 8 (2012).

¹⁵ New York Civil Liberties Union, *supra* note 14, at 3.

¹⁶ *Id.* at 15.

¹⁷ New York Civil Liberties Union, *supra* note 14.

¹⁸ *Id.* at 5.

¹⁹ *Id.* at 3-7.

²⁰ *Id.* at 3. In 2011, the 110th Precinct stopped about 8,000 people, and of those, 513 were arrested and 803 were issued summonses Cite New York Civil Liberties Union.

even though Jackson Heights has a low crime rate.²¹ These numbers suggest that many stop-and-frisks are a result of racially discriminatory policing in communities of color. Rather than making communities safer, discriminatory stop-and-frisk practices have only further alienated communities of color and deepened distrust of law enforcement.²²

Currently, NYPD does not track sexual orientation and gender identity in its stop-and-frisk data. However, a recent study on NYC youth interaction with NYPD highlights the impact of stop-and-frisk on the LGBTQ community.²³ In *Growing Up Policed in the Age of Aggressive Policing Policies* researchers from the City University of New York Graduate Center report the results of a survey of youth from across the city in which LGBQ youth respondents, amongst those surveyed were more likely to report negative experiences, including negative sexual contact, with police than youth who identified as straight.²⁴

The difficulty of addressing police misconduct against LGBTQ communities is compounded by the fact that harassment and abuse do not affect all LGBTQ people in the same way. Race, class, and gender expression play a large part in determining who might become an object of police misconduct. While a middle-class masculine white gay man may encounter respectful treatment by a police officer, the same officer may view a young homeless gay man of color, lesbian of color, or transgender woman of color as deviating from societal gender norms and, therefore, as a threat to community order. This differential treatment is reflected in previous research findings. The National Coalition of Anti-Violence Programs reported in 2011 that transgender people of color in particular were more than three times as likely to experience hate violence from police as compared to the general population.²⁵

NYPD Policing of LGBTQ People

New York City, like other U.S. cities,²⁶ has a long history of police misconduct and abuse of LGBTQ communities. As the site of the Stonewall riots and some of the country's earliest campaigns against police raids and entrapment, NYC has a fraught history of law enforcement interactions with the LGBTQ community. Over the past fifteen years alone, many incidents of profiling, homophobic and transphobic abuse, unconstitutional searches, false arrests under vague or unconstitutional laws, sexual harassment and assault, and physical abuse by police have been documented across the city.²⁷ Incidents involving transgender and gender nonconforming people have particularly gained attention, including profiling of transgender women as sex workers, "gender checks," and detention of transgender people under dangerous conditions. Police profiling and abuse of lesbian, gay and bisexual New Yorkers also continues to take place across the city. Research conducted over the past two decades by the New York City Anti-Violence Project, Amnesty International, FIERCE, the Audre Lorde Project, and the authors of *Queer (In)Justice: The Criminalization of LGBT People in the United States* shows a citywide history of discriminatory policing that continues to this day.

²¹ Rebecca Henley, *Stop-and-frisk Rate in Jax Hts Near City Record* (Apr. 5, 2012), http://www.timesledger.com/stories/2012/14/jaxhgtstopfrisk_all_2012_04_05_q.html.

²² See Center for Constitutional Rights, *Stop-and-frisk: The Human Impact* (2012).

²³ Brett G. Stoudt, Michelle Fine, & Madeline Fox, *Growing Up Policed in the Age of Aggressive Policing Policies* Volume 56 N.Y.L. SCH. L. REV. 1331-1370 (2011/12).

²⁴ More specifically, 53.7% of LGBQ youth respondents reported negative verbal police experiences as contrasted with 38.9% of straight youth respondents. 27.8% of LGBQ respondents reported negative sexual police experiences, more than twice as likely as straight respondents to report these experiences (10.2%). 24.1% of LGBQ respondents said they have had negative physical police experiences, but only 15.1% of straight respondents had negative physical police experiences. Only 26.4% of LGBQ respondents felt that in general, police in NYC protect young people like themselves compared with the 52.7% of straight respondents who felt that in general, police in NYC protect young people like themselves. *Id.*

²⁵ *Hate Violence against Lesbian, Gay, Bisexual, and Transgender, Queer, and HIV-affected Communities in the United States in 2011* (2012).

²⁶ See *Around the U.S.: Problems and Responses* section of this report.

²⁷ Amnesty International, *supra* note 12.

Serious and troubling violence has transpired in a series of incidents of physical abuse by police against LGBTQ people in responses to police calls. In 2009, Tiffany Jimenez and Jeanette Grey, two lesbians, were beaten by police officers with nightsticks and attacked with anti-gay slurs outside of a nightclub in Crown Heights. Jimenez, who was charged with disorderly conduct and obstructing government administration, later spoke out at a press conference outside the 77th Precinct. “I don’t feel safe from the NYPD,” she said. “We’re supposed to be able to call on them when hate crimes happen, but they’re the ones who are committing hate crimes against us.”²⁸ Extensive advocacy and organizing efforts by the Audre Lorde Project and MRNY’s LGBTQ Justice Project helped avoid convictions in this case, and a civil rights case brought by the two women recently resulted in a \$170,000 settlement. In 2002, the NYPD settled a civil lawsuit with a transgender woman, JaLea Lamot, who said that she and her family members had been verbally abused, pepper sprayed and pushed against a wall after police responded to a call at her mother’s home.²⁹ Several years earlier, Sammy Velez, a transgender woman, was beaten and kicked to the point of rupturing her eyeball and fracturing her collarbone and facial bones by NYPD officers chasing her in connection with a theft.³⁰

Violence against LGBTQ people extends beyond responses to calls to profiling and police abuse in the street and at precincts across the city. Almost 10 years after the incident described above, Ms. Lamot successfully sued the NYPD for false arrest for loitering for the purposes of prostitution as she walked to her job as a janitor in Manhattan, as well as an unlawful search to assign her a gender, and dangerous placement with men while she was in NYPD custody. Angelina Mavilia, who described being strip searched three times to assign her a gender while in NYPD custody, also successfully sued the NYPD. Similar incidents affecting transgender women of color continue to be reported across the city, as do incidents of profiling, harassment, false arrest, and physical violence against LGBTQ youth of color, and particularly homeless LGBTQ youth.

Profiling for Sex Work

As part of the wide latitude given to officers in enforcing quality-of-life violations, transgender women in particular are often stopped and arrested under the pretext of enforcement of anti-prostitution laws.³¹ The term “walking while trans” has become a common descriptor for this phenomenon of arbitrary stops, purportedly on suspicion of prostitution, which are frequently accompanied by physical, sexual and verbal harassment.³² This profiling of transgender individuals frequently takes place in the form of a charge of “loitering with intent to solicit,” a vague offense that allows broad officer discretion.³³ Ryhanna Combs, an African American transgender woman who filed a civil rights lawsuit against the NYPD in 2011, alleged that she was arrested for “loitering for the purpose of prostitution” while standing outside of a convenience store in the West Village with a group of friends.³⁴

The profiling of transgender women as sex workers has been documented in New York and across the U.S.³⁵ In 2005 Amnesty International found that transgender women were frequently “stopped by police and questioned about their

²⁸ Alana Smith, *The NYPD’s Anti-Gay Violence*, SOCIALISTWORKER.ORG (Jun. 9, 2009), <http://socialistworker.org/2009/06/09/nypd-antigay-violence>. This protest was organized by the Audre Lorde Project and the LGBTQ Justice Project of Make the Road New York.

²⁹ Duncan Osborne, *City Settles Brutality Claim*, GAY CITY NEWS (JUL. 18, 2002), <http://204.2.109.187/GCN7/CityYSettles.html>.

³⁰ Amnesty International, *supra* note 12, at 69.

³¹ Human Rights Watch, *Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities*, July 2012

³² Mogul et al., *supra* note 10, at 61-64.

³³ Mogul et al., *supra* note 10, at 10; Human Rights Watch, *supra*.

³⁴ Anna North, *In NYPD Custody, Trans People Get Chained to Fences and Poles*, JEZEBEL.COM (Feb. 2, 2012, 3:00 PM), <http://jezebel.com/5880990/in-nypd-custody-trans-people-get-chained-to-fences-and-poles>.

³⁵ Alliance for a Safe & Diverse D.C., *Move Along: Policing Sex Work in Washington, D.C.* 33-34 (2008),

<http://dctranscoalition.wordpress.com/resources/reports-and-research/>; Amnesty International, *supra* note 12; Mogul et al, *supra* note 10; *Revolving Door: An Analysis of Street-based Prostitution in New York City*, The Urban Justice Center 41 (2003), www.sexworkersproject.org/downloads/RevolvingDoor.pdf.

reason for being on the street and where they were going, often under the pretext of policing sex work, even when those stopped were engaged in routine daily activities such as walking a dog or going to a local shop.”³⁶ In 2004 lawyer and activist Dean Spade, then a staff attorney at the Sylvia Rivera Law Project, a legal advocacy organization for transgender and gender non conforming people, reported that 80 percent of transgender women of color he worked with had experienced police harassment or false arrest based on unfounded suspicion of prostitution.³⁷

Human Rights Watch recently released a comprehensive report in July 2012 examining the problem of police using condoms as evidence in four major U.S. cities, including New York City. This report describes how NYPD use condoms as a basis for making arrests for prostitution-related offences and how police profile certain individuals as sex workers, highlighting the problem as particularly prevalent for transgender women in Queens.³⁸ The Human Rights Watch report also provides several accounts of NYPD impeding the work of outreach workers who distribute condoms and even charging them with prostitution-related offenses as a result of their possession of condoms.³⁹

As part of a recent effort to prohibit police from using condom possession as evidence of prostitution, the Sex Workers Project noted that “transgender women, who are frequently profiled as sex workers by police regardless of whether or not they are actually engaged in sex work, are especially fearful that any condoms in their possession will be used as evidence that they are engaging in prostitution-related offenses.”⁴⁰

Treatment in Custody

Several recent incidents have highlighted a distinct problem of how transgender persons are treated when they are in police custody. In January 2012, Temmie Breslauer, a transgender woman, was arrested for illegally using a discount subway fare card.⁴¹ At the police precinct, police officers asked Ms. Breslauer whether she had a penis or a vagina and proceeded to mock her and make insulting remarks regarding her sex.⁴² She was denied her request to be put in a cell with other women or on her own. Instead, she was kept on a bench with her wrist handcuffed above her head to a chain-link fence for 28 hours.⁴³ She sued the police, alleging false imprisonment, assault and battery, and violation of civil rights.⁴⁴ A transgender man, Justin Adkins, publicly recounted his mistreatment in detention after being arrested while participating in an Occupy Wall Street protest on the Brooklyn Bridge in October 2011.⁴⁵ When the officers took him to the precinct, he was handcuffed to a wall next to a toilet with his arm twisted behind his back for eight hours, while being “gawked, giggled and stared” at by officers.⁴⁶

In June 2012, NYPD announced new guidelines for police treatment of transgender and gender non-conforming people.⁴⁷ The updated Patrol Guides are meant to ensure that the NYPD respects New Yorkers’ gender identity and

³⁶ Amnesty International, *supra* note 12, at 21.

³⁷ *Id.* at 22-23.

³⁸ Human Rights Watch, *supra* note 33, at 17-20

³⁹ Human Rights Watch, *supra* note 33, at 20

⁴⁰ *Memorandum in Support of S01289*, URBAN JUSTICE CENTER (June 8, 2009), <http://www.sexworkersproject.org/downloads/2009/20090608-swp-a03856-memo-in-support.pdf>.

⁴¹ Lucy Steigerwald, *Lawsuit Alleges Transgender Woman, Kept Her Chained for 28 Hours Over Minor Subway Violation*, REASON (Feb. 2, 2012), <http://reason.com/blog/2012/02/02/lawsuit-alleges-nypd-harassed-transgende>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Jillian T. Weiss, *Transgender Wall St. Protester Alleges Abuse by NYC Police*, THE BILERICO PROJECT (Oct. 4, 2011), http://www.bilerico.com/2011/10/transgender_protester_alleges_abuse_by_nyc_police.php.

⁴⁶ *Id.*

⁴⁷ *Streetwise and Safe Welcomes New Patrol Guide Changes*, <http://www.streetwiseandsafe.org/> (October 12, 2012); *NYPD Patrol Guide Changes Respect Rights of Transgender New Yorkers*, NYCLU.ORG (June 12, 2012), <http://www.nyclu.org/news/nypd-patrol-guide-changes-respect-rights-of-transgender-new-yorkers>.

expression and to prevent violations of the rights of transgender and gender nonconforming people. They mandate that NYPD officers address people using their preferred names and gender pronouns, as well as process, search and house people in NYPD custody based on their gender identity.⁴⁸ Disrespectful comments regarding gender expression or sexual orientation and searches to determine a person's gender are expressly prohibited.⁴⁹ Additionally, individuals who are lawfully searched have the right to request to be searched by an officer of the gender they request, and if their request is refused, the officer must note the reason.⁵⁰ There are also provisions for the housing of transgender and gender nonconforming individuals while in custody. The guidelines state that individuals must be held in "sex-segregated facilities according to their gender identity," unless there is a concern for the person's safety in said facilities.⁵¹ If there is a safety concern, the individual can be held as a special category prisoner, but may not be cuffed to rails, bars or chairs for an "unreasonable amount of time" while in custody.⁵²

Documenting and Ending Police Misconduct

Amnesty International found that "the capacity to document abuses against LGBT people in the U.S. remains extremely limited, which results in little or no ability to accurately assess this problem in most communities in the U.S."⁵³ Nonetheless, in response to issues of LGBTQ harassment and abuse, over the past decade a number of metropolitan police departments have added LGBT liaison units to their police forces and integrated sensitivity training into cadet training and professional development.⁵⁴ As recently occurred in New York City, a few cities have promulgated guidelines addressing treatment of transgender people during arrest and in detention.⁵⁵ The recently entered U.S. Department of Justice consent decree with the New Orleans Police Department includes comprehensive policies to address discriminatory policing against LGBTQ people.⁵⁶ Despite these efforts, the results of our study reveal that significant officer education, legislation and policy reform, and new officer protocols are still needed to address persisting homophobic and transphobic attitudes among police officers and to prevent harassment and abuse of LGBTQ community members.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ Amnesty International, *supra* note 12, at 11-12.

⁵⁴ *Id.* at 132-133.

⁵⁵ Los Angeles is one example. See Associated Press, *LAPD Has New Policy on Transgender Stops, Searches* (April 12, 2012), <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/04/12/state/n153951D58.DTL>.

⁵⁶ <http://www.youthbreakout.org/content/breakout-wins-unprecedented-victory-lgbt-youth-doj-consent-decree>

Findings: Policing of LGBTQ Communities in Jackson Heights, Queens

There are two NYPD precincts that police the Jackson Heights neighborhood: the 110th Precinct and the 115th Precinct.⁵⁷ The 110th Precinct is located at 94-41 43rd Avenue, Elmhurst, New York and it polices the northern side of Roosevelt Avenue and also the communities of Corona and Elmhurst. In 2011, officers from the 110th precinct conducted 10,795 stop-and-frisks. 90% were of black or Latina/o people.⁵⁸ The 115th Precinct is located at 92-15 Northern Boulevard in Jackson Heights. This precinct is responsible for policing the southern side of Roosevelt Avenue and the neighborhoods of Jackson Heights, East Elmhurst and the northern part of Corona. Unsurprisingly, given the ethnic composition of Jackson Heights, the majority of people we surveyed were people of color – 82% of our non-LGBTQ respondents were people of color and 77% of our LGBTQ respondents were people of color. (See Appendix B)

LGBTQ People in Jackson Heights are Disproportionately Impacted by Police Stops⁵⁹

There is no doubt a high police presence in communities of color, with frequent profiling of men of color in particular.⁶⁰ The high rates of stop-and-frisk activity conducted by police from the 110th and 115th precincts with respect to people of color are a typical example of this over-policing – 90%-93% rates of stop-and-frisk activity towards people of color in those neighborhoods in 2011 are consistent with the nearly 90% rate of stop-and-frisk for Black and Latina/o communities citywide in that same year.⁶¹ Our survey revealed, however, that within communities of color, LGBTQ people of color are particularly targeted.

Many LGBTQ people interviewed for this study reported being stopped by police and many felt that they were stopped for no reason at all. While we found negative police interaction across gender

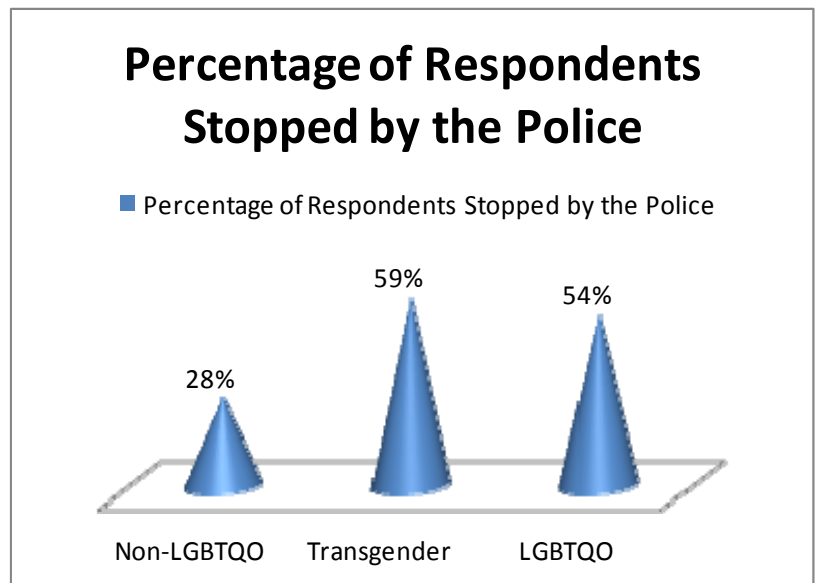


Figure 1: Police Stops by Group

⁵⁷ New York Civil Liberties Union, *supra* note 14, at 7.

⁵⁸ *Id.* at 25.

⁵⁹ In the surveys collected, a small number of participants indicated a gender identity that does not fall into the categories of transgender, male, or female. As we wanted to compare the experiences of people with socially normative gender identities and sexual orientations versus those more commonly regarded by society as deviations from the norm, those participants were placed in the category of “Other” (as they did not identify within the normative categories of male or female). Accordingly, their results were grouped with the results from LGBTQ participants creating a data class “LGBTQO”. We are therefore comparing the experiences of people who identified as LGBTQO with everyone else who did not so identify.

⁶⁰ *Id.*

⁶¹ *Id.* at 5.

identities and sexual orientations in Jackson Heights, LGBTQ and particularly transgender respondents, reported being stopped by police at a higher rate. While 28% of our non-LGBTQ respondents reported that they had been stopped by police, 54% of the LGBTQ respondents had been stopped by police. For transgender community members the likelihood of being stopped by police is even greater still, with 59% of transgender respondents reporting that they had been stopped by police.

One interviewee, Enrique, described to us how he and his partner were stopped by police after they publicly displayed affection towards each other at a subway station:

My partner and I were at the Junction Boulevard stop in the 7 train. We walked up to the station and began to have a conversation. When I realized the train was arriving, I grabbed his hand and gave him a kiss on the lips. As soon as we finished kissing a police officer came out of an office in the station and started walking in our direction. I had just swiped my metro card and was walking toward the platform when I heard the police officer yelling at me to come back outside. Once passed the turnstile, the police officer pulled me and my partner to the side and asked us for our IDs. Before I passed my ID, the officer asked my boyfriend if he thought what we were doing was a good example for the city. I quickly passed my ID to the officer, but Freddy did not have his ID. The police officer asked why he didn't have an ID, but I asked the officer why he needed to see our ID when all we did was go to the train station. He handed me back my ID and told me to shut up. He then handcuffed my boyfriend and brought him down to the police van. They threw him in the van. Then my partner overheard the officer say "Faggot" to the officers driving the van, which was followed by laughter. I kept trying to find out why they had arrested Freddy, but the police only kept threatening me that if I did not leave I would be arrested too. Freddy said that by the time they had gotten to the police station the van had been filled. The only reason we can think of for Freddy's arrest is the fact that we are gay and that we kissed in public. Today I am still scared to show any public display of affection for fear that we will get stopped and arrested by the NYPD.

(Gay Latino man, stopped by police in Jackson Heights)

Another interviewee described being stopped by a police officer who then openly expressed homophobic views:

In August 2012, me and my friend had just left Club Evolution, a gay club in Jackson Heights. On the way to the train we stopped by a deli and bought a juice and a bottle of water. We got on the train and then noticed that a police officer had followed us into the train. The officer asked me for my ID. I asked why I needed to show him my ID and he said that he needed to check it. I said no because I did not understand why he needed to check my ID. When we got to the 69th Street stop the officer told me and my friend that we need to get off the train with him. When we all were on the platform, the police asked me to give him my ID or I would be arrested. He told my friend to walk away because he only wanted to talk to me. As my friend started to walk away, I grabbed him by the hand and told him to stay. When I did this I noticed that the police officer's facial expression changed and he looked very angry. He asked me to pass my juice because he needed to make sure that it was not alcohol. I told him that it was just juice. He responded that homosexuals have different ways of concealing alcohol. I passed my juice and he tasted it. I again told him that it was just juice. He responded again that he has arrested a lot of gays and they are good at hiding their liquor, so he patted me down in front of other people. I felt so embarrassed, so after the pat down I put my arms around my friend. The officer told me to stop because it bothered him to see gay people act like that. The officer said he needed to do a background check to make sure I did not have a record or had any outstanding tickets. The officer handed me back my ID and said I was good to go. I told him that he only stopped me because I'm gay and he just laughed and walked away. The incident made me feel like trash because I felt that my rights were violated and that I was targeted because I'm gay. Even a bystander came up to me and told me not to listen to the officer because he is probably homophobic.

(Gay Latino man, Queens)

Transgender respondents who provided testimony about their experiences reported being stopped by police for no reason at all, or for reasons directly related to their perceived gender presentation and/or expression. The following story from a transgender Latina member of MRNY illustrates this problem:

I am transgender. I was walking to the store near my house on Roosevelt Avenue when two cops stopped and arrested me. When I asked why I was being arrested, they replied, 'because you are pretty.' They charged me with loitering for prostitution when I was only walking down the street.

(Transgender Latina woman, Queens)

Another transgender MRNY member spoke how she was falsely profiled as a sex worker while walking along the street:

Last week, I went out dancing at a small nightclub on Roosevelt Avenue. After having a good time and feeling ready to go home, I contacted my friends so that we could meet at a small taquería before we all headed home. Meeting up at the taquería after a night out is routine for us because the tacos are really good, and it's also the only way we know that our circle of friends is safe.

While on my way to the taquería, I was approached by a dark colored car driven by a middle-aged male. As the male pulled alongside me, he said something I couldn't hear properly. As I did not hear what the male was saying, I inched a little closer to his vehicle and he repeated "Why are you so beautiful and yet alone?" Before I knew it, two undercover officers jumped out of a van that was parked along the street and told me that I was under arrest. When I asked the officer's why they were arresting me, they told me that I was "engaging in prostitution."

They cuffed me and the officers questioned me further, took my purse away from me and placed me into the unmarked van. Although I had nothing on me and did nothing wrong, they still took me, transferred me into another police van filled with about a dozen trans-women and then took us all down to the 115th Precinct where we were fingerprinted, written up and later transferred to the central booking. My experience in the holding cell at central booking was terrible. I was humiliated inside of the holding cell by the guards and the men who occupied the cell with me. The guards would not allow me anything other than bread and water to eat and I was not allowed to use the toilet when I needed to go. Tears streamed down my face as for the first time I was encountering the daily harassment that trans-women face for just walking home.

(Transgender Latina woman, Queens)

Accounts such as this are consistent with the findings of Human Rights Watch, Amnesty International and other organizations, which found that transgender women are commonly profiled for prostitution-related offenses by police even when they are simply walking down the street or conducting other routine daily activities.⁶² This leads to greater stops of transgender community members under the guise of policing prostitution.

LGBTQ Individuals are More Likely to be Harassed by Police

Our survey results showed that not only were LGBTQ respondents more likely to be stopped by police officers in Jackson Heights, but they were also highly likely to be harassed by police officers when they were stopped. In our surveys, people were asked if they had experienced verbal or physical harassment by police. Of the people who had experienced a police stop, 33% of non-LGBTQ respondents said that they had been harassed by the police in some manner. By comparison, 51% of LGBTQ respondents who had been stopped by police indicated that they had experienced police

⁶² Human Rights Watch, *supra* note 33, at 19; Amnesty International, *supra* note 10, at 21; Alliance for a Safe & Diverse D.C., *supra* note 34, at 33-34

harassment. Meanwhile, transgender respondents experienced the highest rates of harassment, with 61% of transgender respondents reporting that they had been harassed by the police. One story that illustrates the kind of harassment endured by LGBTQ, especially transgender, people at the hands of NYPD officers is the following:

I was getting out of a club and heading to a friend's house in a cab. When I got to her apartment, I found that the police were stopping her and asking her to produce ID. They were talking to her in English. I intervened and told the officers that she didn't speak English and that her ID was in her apartment, which we were in front of. I told them that I could get her ID from her apartment. The officers told me to shut up and arrested both me and my friend. The police used a lot of force while arresting us and said some homophobic and transphobic remarks in the process. They put us in the back of their car and started laughing at us with other police officers who were also there. I asked one of the officers to please open the window a bit more because we were out of breath, to which he responded by pepper spraying me directly in my face and mouth. Since we were trapped in the back of the car, the pepper spray also started asphyxiating my friend. I started kicking the car door and asking them to please let us out. They opened the door and dragged me out of the car and started beating me up outside the car, while using transphobic and homophobic remarks. It was a very confusing, demeaning and unjust experience. I ended up being in jail for two days without representation and was intensely harassed by officers while I was in custody.

(Transgender Latina woman, Queens)

LGBTQ People in Jackson Heights Experience High Levels of Harassment and Abuse by the Police

In our survey respondents who reported having been harassed by police were asked to characterize the type of harassment they experienced using two categories: verbal and physical harassment. The responses we received for each category are illustrated by the following graph, including the percentage of respondents who reported that they had experienced both kinds of harassment:

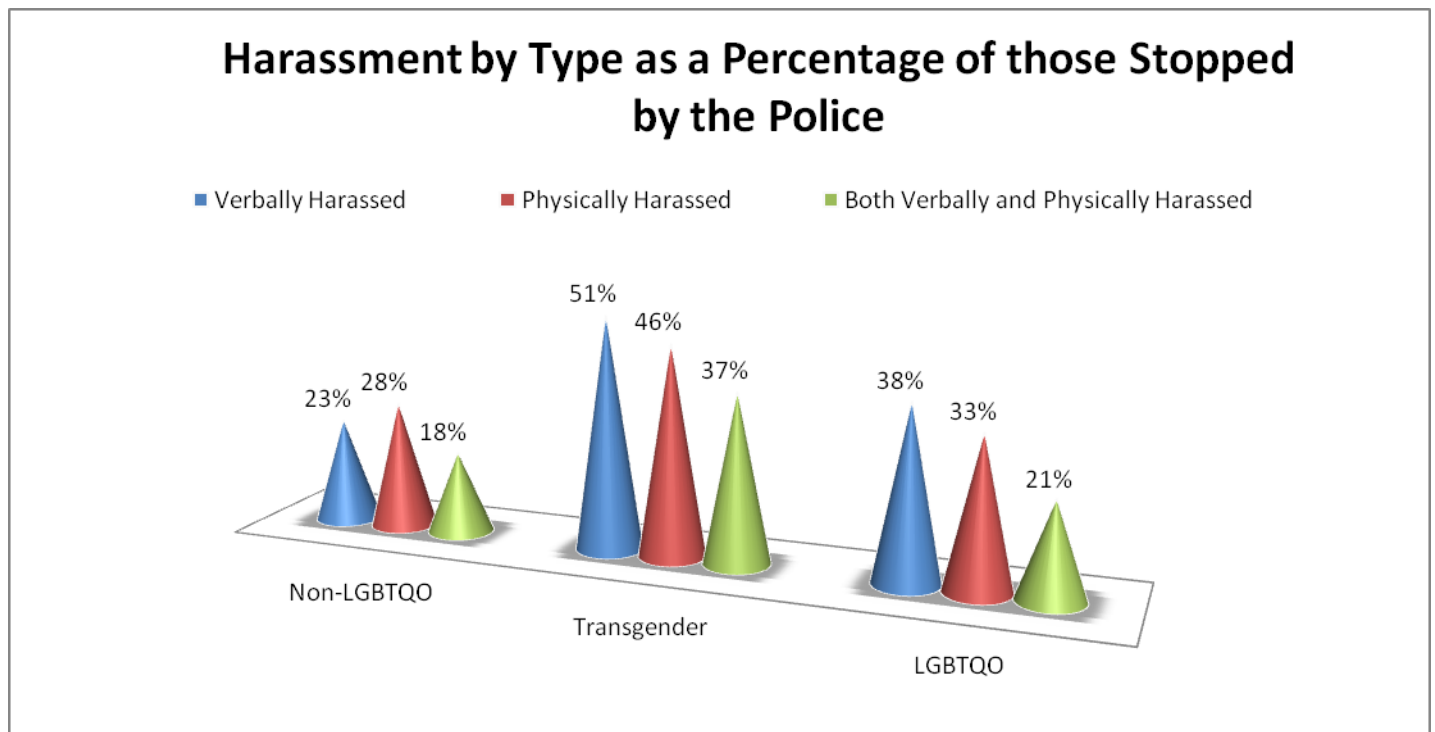


Figure 2: Type of Harassment by Group

Verbal Harassment

As illustrated above, 23% of non-LGBTQO respondents reported that they had been verbally harassed after being stopped by police, whereas 38% of LGBTQO respondents combined said that they had been verbally harassed. Worse still, over 51% of transgender respondents report being verbally harassed.

Narrative evidence obtained through interviews revealed that verbal harassment commonly involves the use of offensive, anti-LGBTQ words such as “fucking faggot”, “he-she”, and “maricón”. One LGBTQ Justice Project member, Nicole, was arrested for asking a plain-clothes police officer if she was a police officer. She was then verbally harassed throughout this encounter with the police:

I was throwing out trash from my apartment on my way out to the corner market on 78th and Roosevelt. I saw a woman walking up and down the street. I stopped to talk to a neighbor and the woman told me to “move, you fucking faggot.” I asked the woman if she was a police officer, and the woman started insulting me saying things like: “fucking faggot”. The woman arrested me. She said it was for “obstruction of justice.”

(Transgender Latina woman, Jackson Heights)

Another LGBTQ Justice Project member, Elena, reported being verbally harassed by the police after getting coffee at a local store in Jackson Heights:

Elena went out to pick up her partner from work early in the morning. She went to get coffee at a local store. The cops stopped her and asked her what she was doing. She replied she was getting coffee. The cops proceeded to take the coffee from her, throw it on the ground and on her feet and told her to “get on your knees you fucking faggot.” She was kept on her knees for over 30 minutes until she was finally put in a police van and taken to the local precinct.

(Transgender Latina woman, Jackson Heights)

Pablo, a 23 year old gay man living in Jackson Heights told us of several negative experiences with the police. He described the following incident:

About 6 months ago a friend of mine was driving and we were joking around in the car and laughing. The police stopped us. They told us to park the car in a corner. They asked my friend for an ID and he didn't have one. I pulled out my green card, which was a bit worn out but it was up to date. When the cop saw it he said: “This green card is fake, it's illegal” I said to him politely that it actually was legal and that I could even give him my social security number if he wanted to verify it. He answered: “You are a fucking faggot and no faggot like you is gonna talk to me like that, because I am the authority here, and I can take you to jail”. After he said this, his partner told him to check my info on their system. Twenty minutes later the officer came back and told me: “You AIDS infested faggot, if I ever see you with this fake ID again I will deport you”. I didn't say anything back to him because I didn't wanna get in trouble, but I knew that I hadn't done anything wrong.

(Gay Latino man, Jackson Heights)

Physical Harassment

Our survey found that many LGBTQ respondents experienced physical harassment from police. 28% of non-LGBTQ respondents reported they had been physically harassed by police when stopped, compared to 38% of LGBTQ respondents who said they had experienced physical harassment by the police. Significantly, 46% of transgender respondents reported that they had been physically abused by police in some manner.

The physical abuse described by participants in this study included physical handling, pushing and shoving, as well as sexual harassment (see below). One survey participant, Juan, reported being dragged by her hair down 34th Avenue in Jackson Heights:

I was walking down the street with my partner on 34th Avenue and a police car pulled over and told us to get near the car. When the police officer saw that I was dressed as a woman he pulled my wig, held my hair and dragged me down 34th Avenue for 1 or 2 blocks.

(Gay Latino man who cross dresses at night, Queens)

Another interviewee, Carolina, described being physically handled by the police and intrusively searched by male police officers:

About 2 years ago something terrible happened when I was out in Jackson Heights. My girlfriend and I were on our way to a club when the police stopped us. It was about midnight. The police stopped us and asked us for our ID's. My girlfriend had hers but I didn't have mine with me at the time. At that moment the police started to frisk me and search my pants. Because I dress very masculine they started telling me to "shut up you fucking dyke." They started to feel my breasts and search in that area (they were male cops and they're not supposed to do that). They then proceeded to put me against the wall and told me to spread my legs. They searched me between my legs like I was a criminal. I told them that I didn't consent to their search. But they said that they were "the authority" and that they could do "whatever the fuck they wanted" with me. I felt humiliated because I knew that even if I said something no one would believe me. Also because of my immigration status I was afraid to say anything and get deported.

(Lesbian woman, Jackson Heights)

Unfairly Profiled as Sex Workers, Arrested and Surveilled

I used to live near the 110th Precinct. My memories of living near it are horrible. We avoided going out in the day and night. They did not care who they saw you with, partners or family, to accuse you of sex work. I remember two times when coming out of a yellow taxi from Manhattan, there was a police car stationed outside my house waiting for me. I would leave the taxi in fear because I knew that I would be arrested and accused of sex work. They would tell us to go to them, we would ask why, they would not answer. We felt that they did not meet their numbers for the night and were waiting for us to have a record of arrest. I feel that precinct has something against us.

(Natalia, Transgender Latina woman, Jackson Heights)

Our interviewees commonly reported stops that seemed to be without basis but in which the police officers involved later justify the stop by charging the person with prostitution because condoms were found in their possession. Frequently these stops were accompanied by verbal and/or physical abuse. It is particularly concerning that all of the transgender respondents we interviewed in detail reported these experiences of being profiled as sex workers without basis even though none of the interviewees we spoke with were working as sex workers at the times that they were stopped.

One interviewee reported:

One night I was with my boyfriend at a club in Jackson Heights, Queens. At around 4AM we left the club together and walked home. We were walking next to each other. At one point an undercover police van stopped next to us. Eight undercover cops got out from the van and some of them threw me against the wall. While they were handcuffing me, my boyfriend was also thrown to the wall and they frisked him. They told me I was being arrested for sex work. I told them that I was not doing anything like that. After they frisked my boyfriend, they frisked me and found 3 condoms, after seeing the condoms they asked if I was sure that I was not working. I told them that I was with my boyfriend and they said that he was not my boyfriend. I told one of the female cops to help me and that I was not doing anything wrong. She said that she couldn't help me out. My boyfriend came to the 110th Precinct where I was held and spoke to the captain; he tried to explain that I was his girlfriend and that I was with him. But the captain said that he couldn't do anything. I was taken to court and was accused of sex work.

(Cristina, Transgender Latina woman, Jackson Heights)

The same interviewee later described how this affects her experience of living in Jackson Heights:

Being a transgender woman in Queens is difficult for me because I do not feel safe. I feel harassed, discriminated, and forced to be home because the police profile transgender women as sex workers.

(Transgender Latina woman, Jackson Heights)

Another interviewee, Maria, reported an incident in which she was stopped without reason, harassed and threatened and accused of sex work:

In 2002 I was walking from a bar to meet with my friends. When I got to them we began talking and noticed that a police car was stationed on the opposite side of the street from us. We felt uncomfortable because they kept looking at us as if we were doing sex work. We all left because of fear, but I was the one who was chased by the police. They yelled at me to "Come back" but I didn't because I wasn't doing anything wrong - saying hi to my friends shouldn't have raised a reason to stop me. The police accelerated, pulled over the sidewalk and that made me lean against the wall in fear. Both policemen left the patrol car and walked towards me, one was Latino and another was white. The Latino officer verbally abused me, he said "Look Blondie who has her head full of shit, who instead of having a brain has shit, when a police officer stops you, you stop and obey!" I said that I wasn't doing anything and that if I didn't stop it was because of fear of them. I said that we are not supposed to fear them because they are here to protect us. He asked me to give him my bag. I did and he threw everything out on the ground exposing two condoms I had. The other police men who was white came to me and I told him "I didn't stop because of fear" he then asked me why I was scared. He looked on the ground and said "What about those condoms? Are you doing sex work?" I told him that I was protecting myself against HIV. He told me to pick up everything from the ground, put it in my bag and to go home. When I was leaving the Latino officer said "If I see you again I will beat you with my feet up your ass." I said nothing. I was so nervous I took a cab and left for home.

(Transgender Latina woman, Jackson Heights)

Another transgender interviewee, Antonia, reported:

My first time I was arrested I was walking in the streets of Jackson Height. I was on 87th Street and 34th Avenue with two other girls. We were walking outside one of the girl's houses. The police saw us, stopped us for no reason, and asked us to go home. They went around the block and saw me and my friends again. The second time they did not ask me - they stopped me and frisked me. They didn't find condoms. I didn't speak English so it was difficult for me to understand what they were saying and to communicate with them. In the detention center they searched me multiple times to the point where I was naked. They laughed at me and I was humiliated

(Transgender Latina woman, Jackson Heights)

Antonia also told us about another incident of profiling that she experienced:

My second time being arrested I was coming out of Club Evolution on 77th Street and Roosevelt Avenue. I left the party and I was walking to another bar towards 74th. A police van saw us, walking by, drove against traffic to us and arrested us. We asked them why we were being arrested and they told us to shut up and that we were not allowed to talk. They put us against the van, patted us down and searched our bags. I had heard from the community that the police have one day where they pick up trans girls for just walking by. When the police put me in the van I saw other girls who also told me that they were not doing anything. In fact, I saw a friend leaving her house and my same van stopped in front of her home and arrested her. I had taken condoms from the bar that they provide to the community for protection, and they saw these condoms. At the court hearing my lawyer told me that I was arrested because I had condoms in my purse and that I was accused of sex work, which is something that I was not doing.

(Transgender Latina woman, Jackson Heights)

One interviewee reported being wrongly arrested on suspicion of sex work on many occasions. She explained to us that she had been part of the Queens transgender community for 20 years and that she had experienced police harassment throughout. She reported this troubling incident:

One winter night I went out with my girlfriends and we were walking to Friends Tavern on 76th Street and Roosevelt Avenue. We noticed that a police car was following us. We knew that they were going to arrest us and we kept on walking faster. There was a point where we became scared and started running. Two male policemen came after us with a long wooden baton. They threw it at our feet and then they arrested me. In the run I lost my shoes. It was very cold that night. I was detained all night without shoes in the cold. They would laugh at me and my other friends. We felt humiliated. They have no respect towards us transgender women. I was charged with prostitution just because I was walking on the streets.

(Natalia, Transgender Latina woman, Jackson Heights)

Another incident the same interviewee described to us was this:

Another night I was on 82nd and Roosevelt Avenue. I went to get tacos and a Pepsi at a taco stand. At that time I saw the police van patrolling like always. They looked at me but I thought to myself, “don’t worry you are not doing anything wrong.” But then I saw the police get out of the van and they approached me. They threw my food to the floor, handcuffed me and arrested me. They accused me of sex work.

(Transgender Latina woman, Jackson Heights)

Another interviewee reported being profiled as a sex worker when she was just out buying a late-night snack:

In 2008 I left home at 4AM to buy tacos because I was hungry. I walked over to a 24-hour taco service and two police men approached me. They were both white and a Latino person was with them, I think he was undercover. The police ask me “What are you doing?” I told them I was just buying tacos. They grabbed me and handcuffed me. They found condoms in my bra and said I was doing sex work. After handcuffing me they asked me to kneel down and they took my wig off. They arrested me and took me away.

(Elena, Transgender Latina woman, Jackson Heights)

The same interviewee importantly noted, however, that her experiences of harassment by police occurred not just when she was wrongly profiled as a sex worker:

The abuse is not only when you’re stopped-and-frisked and accused of being a sex worker. I have had different experiences when walking down the streets and being near the NYPD. Two times I’ve had coffee thrown at me by

the police when I walk near a police car. They follow me home making me feel insecure and scared. They take pictures of me without any cause.

(Elena, Transgender Latina woman, Jackson Heights)

Other transgender interviewees reported similar harassment and surveillance, both linked to being profiled as sex workers and in other contexts:

I moved to Jackson Heights and got involved with the transgender community. After getting involved with the transgender community the police harassment increased. Walking on the streets from one bar to another was an opportunity for police harassment. They would ask me things like “What are you doing in the streets?” and say things like “Go home now, or else I will arrest you. And tell your friends to go home or they will also be arrested”.

(Maria, Transgender Latina woman, Jackson Heights)

Being transgender women we live in fear of the police Many times when I was arrested remarks were made that I might be deported because I am an immigrant. The police abuse their uniform and their power. I have been arrested and accused of sex work when I am doing nothing that would seem like it. I don't think that eating tacos, walking on the street is doing sex work.

(Natalia, Transgender Latina woman, Jackson Heights)

Sexual Abuse by Police Officers

Of particularly grave concern, were the reports we received of sexual abuse perpetrated against transgender respondents by police officers.

One transgender LGBTQ Justice Project member reported that she was asked to perform oral sex on an officer in exchange for not being charged:

Being a transgender woman during the day, I interact with people and live my life normally and feel safe in my neighborhood. But at night it's different because the police are really transphobic and racist. I myself had a bad experience with the police some years ago. It was 3AM and the cops were doing a sweep and they arrested around eight girls, including me. They took us to the 110th Precinct. Once in the precinct a tall, white, Italian-looking police officer came inside my cell. He asked me to “wipe something off from his butt” and I told him “no, because that is not my job.” He took me to the back of the precinct and started touching my breasts. He told me that if I performed oral sex on him that he would let me go, that I wouldn't have to go to court. I told him no, that I wasn't gonna do it. Then he asked me again if we could have this deal and I told him no again. Then he brought me back to the cell with the other girls. I was really scared and I knew I hadn't done anything wrong, but I felt humiliated. I didn't want to say anything or report him because of my legal status. But these types of situations shouldn't be happening to us with the people that are supposed to protect us.

(Yesenia, Transgender Latina woman, Jackson Heights)

Instances of police officers abusing their power and perpetrating sexual assaults while undercover were reported by a number of interviewees:

It was about 2AM and I was walking on 76th Street, when a man in a red car pulled over and asked me how much I charged. I told him to leave me alone that I was just walking and not a sex worker. He kept insisting and told me “I will take you home.” Eventually I said okay and got into his car. Suddenly he started touching my breasts and holding me against him and kissing me against my will. In that instant I told him I didn't want anything with him and because I kept refusing to be touched by him he told me he was an undercover cop, took his badge out of his

pocket and told me I was under arrest. He told me that if I didn't have sex with him that I would be arrested and accused of prostitution. I got really scared but I didn't want to scream because I was afraid that he would hurt me.

(Lisa, Transgender Latina woman, Jackson Heights)

It was about 3AM and I was walking on 90th Street and Roosevelt Avenue, when a man in a black car approached me and told me "I can take you wherever you want" and I responded "no, thank you". He kept insisting and told me "Get in mami, don't be afraid." I got in the car because I was tired and needed a ride. I told him to please take me to 77th and Roosevelt Avenue, but he started the car and sped away in another direction. He parked the car on 32nd Avenue. He told me that I had to "do oral sex on him" and I told him "no." Then he said "if I pay you or don't pay you, you should still do it" and took a police badge out of his pocket and told me again that I had to perform oral sex on him or else I would be arrested and charged with prostitution. I got really scared and because I was afraid to be arrested I did what he asked me to do. When I finished he told me to "get out of the car". The place was dark and deserted, he gave me \$20 and told me to take a cab back to Jackson Heights and left me there stranded. I felt really powerless, humiliated and used.

(Carmen, Transgender Latina woman, Jackson Heights)

Approximately 3 years ago when I came out of my house one night to go out to a bar a grey car started following me from 95th Street and Roosevelt Avenue. The person driving was a dark skinned Hispanic man. He started calling out to me "How much do you charge?" and "I'll pay you whatever you want." I told him that "I wasn't working." He asked me "Where are you going?" and I told him "I am going out dancing." He said "I will take you" and I said "okay" and hopped into his car. Suddenly he said "You are under arrest, I am an undercover cop." He parked his car on 93rd Street between Roosevelt Avenue and 37th Avenue. I got really scared and I asked him: "Why am I being arrested if I didn't do anything wrong?" He told me to "shut up" and started hugging me and kissing me against my will and told me I had to go down on him or I would be arrested. He took out his badge, he had a radio and a gun. I got really scared and we got into an argument. I told him that if he was really a cop that he should arrest me. He told me he only wanted sex, not to arrest me, but if he wanted he could arrest me and many other girls. I pushed him and I don't know how, but I managed to open the door and get out of the car. He screamed from the car, "If I see you in the streets again I am going to arrest you, you fucking faggot."

(Diana, Transgender Latina woman, Jackson Heights)

Another survey participant who declined to discuss his story in detail reported being forced to have anal sex with a police officer with his partner:

I was exiting a bar with my partner and this police officer started harassing us. He said if we both didn't have a threesome with him, he would arrest us. He followed us home in his car and forced me and my partner to have sexual intercourse with him

(Gay Latino man, Queens)

The many harrowing accounts of sexually abusive encounters with police reported by interviewees add an alarming new dimension to our survey findings. Even more concerning is that they represent only a small sampling of personal accounts of police misconduct among Jackson Heights's LGBTQ community, and in particular, its transgender population.

Afraid to Report Crime to the Police

In addition to relating these highly troubling experiences of police stops and abuse, some transgender interviewees commented on how this treatment impacts on their ability to report crime to the police:

All these false arrests ruined my record; a lot of injustice was done. I have had so many bad experiences with the police that I fear calling them if I am victim of a hate crime.

(Natalia, Transgender Latina woman, Jackson Heights)

It is important that police stop the harassment towards transgender women. We are constantly harassed in the streets for being transgender and we need to make sure that if we are victims of hate crimes we have the police to protect us.

(Cristina, Transgender Latina woman, Jackson Heights)

In Mexico I worked in the fields helping my dad with farm work. I was walking in the sugar cane fields when two men grabbed me and abused me. This was one of the reasons why I came to NYC... Here I met other trans girls. They would usually say that the police abused us, that they were mean, and that they did not feel safe with the police. I was scared hearing it because I am a transgender woman and I wanted to feel safe if I was ever a victim of a hate crime like I was back home.

(Elena, Transgender Latina woman, Jackson Heights)

The types of interactions that transgender interviewees reported having with police reflect a consistent experience of harassment and abuse by police that is on-going and that, unsurprisingly, creates a relationship of fear and mistrust of police.

I feel disrespected and unprotected. I am scared and often avoid the NYPD because as a trans woman I am not safe.

(Transgender Latina woman, Queens)

While survey respondents did not specify whether they filed individual complaints with NYPD, high rates of under-reporting with regard to verbal and physical abuse within LGBTQ communities of color would suggest that many people are not familiar with formal reporting mechanisms, or that they are not viewed as responsive. According to the Anti-Violence Project's 2011 Hate Violence Report, over half (52%) of survivors of hate violence did not report to police, and of those who did, 38% experienced an indifferent attitude and 18% experienced a hostile one.⁶³ In Jackson Heights, many people who identify as gay, lesbian, bisexual, or transgender are Latino and recent immigrants, presenting potential language barriers to reporting violence and harassment.

Our survey findings and the appalling incidents described by interviewees, reveal a pattern of police misconduct and abuse of LGBTQ residents in Jackson Heights. For the Jackson Heights LGBTQ community, especially those perceived to be transgender or gender non-conforming, this is a dangerous situation that has reached crisis point. The effects of this police misconduct echo beyond the survivors themselves, affecting partners, families, friends, neighbors, social services providers, community organizations and local healthcare providers. It is a neighborhood issue reflective of citywide problems. It is therefore essential that NYPD acts strongly and decisively now to stop this kind of police misconduct.

⁶³ *Supra* note 25, at 36.

Around the U.S.: Problems and Responses

New York City is by no means the only metropolitan area where police misconduct in LGBTQ communities is both widespread and pervasive. Every major city in the U.S. has seen incidents and patterns of police profiling and violence against LGBTQ people with varying responses. While some may provide a model for New York City and NYPD practices and policies, others present an example of ineffectual attempts that fail to address the root causes, which New York should not emulate.

Over the past two decades, **Los Angeles** law enforcement has come under criticism for its discriminatory enforcement of lewd conduct and public indecency codes, as well as for profiling in the context of enforcement of prostitution-related offenses and brutality and threats toward lesbians, gay men and transgender men and women.⁶⁴ A study of transgender women in 2001 revealed that 37% had experienced verbal abuse from a police officer at some time, while 14% had been physically abused by law enforcement.⁶⁵ In one incident of violence reported in Amnesty International's report, *Stonewalled*, in 2003 a Native American transgender woman was falsely arrested for prostitution, beaten and raped by two LAPD officers - and laughed at when the paramedics arrived.⁶⁶ In 2010 the LAPD stepped up sting operations aimed at arresting gay men for public sex in Griffith Park - the same area in which it was also reported that LAPD officers had tied up gay men and allowed passersby to gawk at them before taking them into custody in 2003.⁶⁷

While the LAPD has historically not been responsive to requests for information about arrests made under lewd conduct statutes,⁶⁸ they have publicly acknowledged the need for improved relationships with L.A.'s LGBTQ community and have taken steps to achieve that. In May 2011, LAPD announced the beginning of an LGBT Community Police Academy, a nine-week course designed to give members of the LGBTQ community an "overview of the LAPD's policies and procedures" with the goal of developing a partnership with LGBT groups in the city.⁶⁹ They have also held several forums involving LAPD Chief Charlie Beck at local gay and lesbian centers.⁷⁰ Following intensive advocacy by a coalition of LGBT organizations and transgender advocates, the LAPD also recently adopted comprehensive changes to departmental policies relating to the treatment of transgender individuals modeled on and in some respects, extending beyond similar policies adopted across the country, including New York City.

Nonprofit and legal organizations in **San Francisco** have conducted some of the more thorough studies showing how LGBTQ people, and transgender people in particular, are treated by local law enforcement. A 2003 report by the National Center for Lesbian Rights and the Transgender Law Center showed that more than one in four transgender people in San Francisco reported having been harassed or abused by the police.⁷¹ Steps taken by the San Francisco Police Department (SFPD) to address its failures and misconduct in dealing with transgender citizens include conducting

⁶⁴ Mogul et al., *supra* note 10, at 59-60.

⁶⁵ Reback et al., *The Los Angeles Transgender Health Study: Community Report 22* (2001), friendscommunitycenter.org/.../LA_Transgender_Health_Study.pdf.

⁶⁶ See Mogul et al., *supra* note 10, at 63.

⁶⁷ *LAPD Cracks Down on Cruising in Parks*, ADVOCATE.COM (Mar. 13, 2010, 3:50 PM), http://www.advocate.com/News/Daily_News/2010/03/13/LAPD_Cracks_Down_On_Park_Cruising; see also *Id.* at 60

⁶⁸ *Lambda Back in Court for LAPD Lewd Conduct Arrest Records*, LAMBDA LEGAL (Jan. 20, 2000), http://www.lambdalegal.org/news/ca_20000120_lambda-back-in-court-lapd-lewd-conduct-arrest-records.

⁶⁹ *LAPD 2012 LGBT Police Academy Starts in April*, L.A. PROGRESSIVE, <http://www.laprogressive.com/lgbt-lapd/> (last visited Jul. 27, 2012).

⁷⁰ Edwin Folven, *Partnerships Stressed at LGBT Forum*, PARK LABREA NEWS (March 16, 2011), <http://parklabreanewsbeverlypress.com/news/2011/03/partnerships-stressed-at-lgbt-forum/>.

⁷¹ Shannon Minter, National Center for Lesbian Rights, & Christopher Daley, Transgender Law Center, *Trans Realities: A Legal Need Assessment of San Francisco's Transgender Communities* 3 (2003).

trainings for cadets on proper conduct with transgender individuals and convening a task force made up of the police chief, S.F. Human Rights Commission, City Attorney's Office, and transgender community leaders to discuss ways to improve police training and policy.⁷² These local organizing efforts led to ground breaking police procedures intended to protect the rights of transgender, as well as LGBTQ individuals generally, which have served as models for police departments across the country, including the NYPD. In addition to this issue-specific taskforce, the SFPD maintains a "Chief's LGBT community forum," a group of citizens who "act in an advisory capacity to identify issues and concerns of the lesbian, gay, bisexual, transgender communities in San Francisco."⁷³ In spite of these efforts, incidents of discriminatory policing of LGBTQ people and communities have continued over recent years. Community United Against Violence (CUAV), reporting to the National Coalition of Anti-Violence Programs, showed a spike in violence by police or law enforcement officers, from 7 incidents in 2009 to 20 such incidents in 2010, demonstrating a need for further improvements in police practices.⁷⁴

Washington, D.C. is home to a large LGBTQ community and its police force has taken action in a number of ways to improve relationships and prevent violence by law enforcement towards LGBT residents. The Metropolitan Police Department's (MPD) Gay and Lesbian Liaison Unit (GLLU) is staffed by "openly gay, lesbian and transgender members of the department and their allies."⁷⁵ A recent spate of hate violence in which a gay man and a transgender woman were killed in suspected hate crimes were addressed by the GLLU on its website and at a significant anti-LGBT violence march at which the Police Chief, Cathy Lanier was present.⁷⁶ However, at the same time as MPD has vocally supported strong relations with the LGBTQ community, local organizations have documented false arrests of transgender women for prostitution, and "prostitution free zones" have contributed to the daily rounding up of suspected sex workers, including many transgender women.⁷⁷ While MPD's comprehensive policies with respect to the treatment of transgender individuals in police custody, negotiated with a local coalition of transgender advocates, have served as a model for police policies and practices across the country, including New York City, local organizers report continuing violations of the rights of transgender people.

Washington D.C., San Francisco and Los Angeles alike display inconsistency between public manifestations of support and continued incidents of violence and misconduct against LGBTQ residents. It is imperative that the NYPD does not replicate this disjuncture in its own efforts to solve the problem of police abuse of LGBTQ community members. Instead, at the city, state and local levels, there must be a comprehensive strategy to combat this type of police misconduct. Such a strategy must include legislative and policy reform, new approaches to officer training, better tracking of misconduct, more effective sanctions against offending officers, improved complaint-handling processes, and better public information and language access.

⁷² *Id.* at 22.

⁷³ See *SFPD Chief's LGBT Forum*, EVENTBRITE, <http://sfpdchieflgbtforum.eventbrite.com/> (last visited Jul. 27, 2012).

⁷⁴ *The National Coalition of Anti-Violence Programs, Hate Violence Against Gay, Bisexual, Transgender, Queer and HIV-Affected Communities in the U.S. in 2010* 55 (2011), <http://www.avp.org/publications.htm>.

⁷⁵ *About the GLLU*, GAY AND LESBIAN LIAISON UNIT, <http://www.gllu.org/about/index.htm> (last visited Jul. 27, 2012).

⁷⁶ Lou Chibbaro Jr., *Hundreds march against anti-LGBT violence*, WASHINGTON BLADE (Mar. 21, 2012), <http://www.washingtonblade.com/2012/03/21/hundreds-march-against-anti-lgbt-violence/>.

⁷⁷ See Alliance for a Safe & Diverse D.C., *supra* note 34.

Recommendations

Based on our research and the findings of this study, we make the following recommendations:

Law and Policy

- New York City council should pass the Community Safety Act, which includes the following new regulations:
 - NYPD officers would be required to explain to potential subjects of a search that they have the right to refuse a search when there is no warrant or probable cause. NYPD would have to obtain proof of the consent given for a search by consent to be considered lawful. (Intro. 799)
 - NYPD would be banned from profiling based on race, religion, age, sex, gender identity, sexual orientation, immigration status, housing status, disability (including HIV status) or actual or perceived occupation. (Intro. 800)
 - NYPD officers would be required to provide their name and rank to the subjects of law enforcement activity, such as persons being stopped and frisked. NYPD officers would also have to provide the specific reason for the stop and a written record to the person being stopped that includes information on how to file a complaint. (Intro. 801)
 - Establishment of a New York Inspector-General Office that has power to review NYPD policies, recommend changes to make NYPD more effective, and make regular reports about its findings, as well as subpoena power. (Intro. 881)
- NYPD should implement the new transgender policing policy announced on June 12, 2012, including:
 - Prohibition of any searches to ascertain gender;
 - Referring to transgender people by their preferred name and gender pronoun at all times; and
 - Searching and housing individuals in police custody in a manner consistent with their gender identity and safety.
- The New York state legislature should pass the “No Condoms as Evidence Bill” to prevent the police from using possession of condoms as evidence of prostitution-related offenses.

Training for Officers

- NYPD should review the current LGBTQ sensitivity training provided to officers to evaluate its efficacy and that training should be redeveloped in conjunction with city LGBTQ advocacy agencies, including MRNY.
- All supervising and line officers at the 110th and 115th precincts should be required to participate in LGBTQ sensitivity training, developed in conjunction with MRNY, including training on the new transgender policing guidelines.
- Whenever an officer is transferred to the 110th or 115th Precinct, that officer should be provided with training regarding LGBTQ sensitivity and the Jackson Heights LGBTQ community.

Public Information and Communication

- NYPD's LGBTQ Liaison Office should have a website that contains detailed information for the public about who the LGBTQ officers for each borough are, what roles they play, how to contact them, how to make complaints about police conduct, and other relevant information.
- NYPD should appoint an additional LGBTQ Liaison Officer specifically for the 110th and 115th Precincts and the Jackson Heights neighborhood.
- The Queens LGBTQ Liaison Officer and Jackson Heights LGBTQ Liaison Officer should hold quarterly meetings with community organizations that work with the Jackson Heights LGBTQ community in order to provide information regarding their activities and to receive feedback, complaints, and suggestions.

Complaints and Investigations of Misconduct

- There must be a full-scale investigation of sexual abuse against transgender people perpetrated by NYPD police across New York City, with a particular focus on the 110th and 115th precincts.
- NYPD's LGBTQ Liaison Officers should develop an effective mechanism whereby they can receive complaints from LGBTQ community-members and advocates and forward those complaints to the appropriate body.
- When dealing with complaints regarding NYPD conduct towards LGBTQ community members:
 - The Civilian Complaint Review Board (CCRB) should investigate and issue recommendations regarding patterns of police profiling and abuse of LGBTQ people. The pattern and practice division of the CCRB should receive additional funding from the New York City Council in order to conduct this investigation.
 - All members of the CCRB review panel, investigators, and staff should receive training regarding the specific issue of police abuse and harassment of LGBTQ community members, including sexual harassment and violence and how to identify abuse based on gender identity and sexual orientation.
 - When investigating complaints regarding police abuse of LGBTQ people the CCRB should immediately consult with the NYPD LGBTQ Liaison Officers regarding the complaint.
 - Where any such complaints are substantiated, the officers involved and their supervisors should be held accountable and swiftly and appropriately sanctioned. They should also be required to attend additional sensitivity training.
 - CCRB should commence keeping data on the frequency and nature of complaints by LGBTQ persons against NYPD. CCRB should publicly release that data on a yearly basis (while keeping the identities of complainants anonymous).

Language Access

- All of the above recommendations should be implemented in a manner that ensures language accessibility, which will include:
 - Making translations of all written materials and forms available in the seven major community languages.
 - Providing interpreters to all people making complaints or others who are providing or receiving information pursuant to the above recommendations.

Conclusion

Through our survey and through our interviews with LGBTQ people from Jackson Heights, we have been able to generate new data about continuing LGBTQ experiences of discriminatory policing in this community. As the NYPD does not record a person's sexual orientation or gender identity when they are stopped and frisked, there has been no official data that captures the experiences of LGBTQ people of color when they interact with the police. This report is aimed at helping to fill that gap so that the abuses suffered by LGBTQ people in Jackson Heights can be brought to light.

Our research has confirmed what LGBTQ community and advocacy organizations have been arguing for years: that LGBTQ, and specifically transgender and gender non conforming people of color, people are likely to have negative experiences with the police, and in many instances will experience profiling, police harassment and even physical and sexual violence. Transgender and gender nonconforming people of color are particularly vulnerable due to their visibility. Many transgender residents of Jackson Heights are routinely experiencing profiling as sex workers, unfair arrests, verbal abuse, intrusive searches, and sexual violence.

In order to combat police misconduct, there must be legislation and policies that minimize the risk of these kinds of abuse occurring in our communities. There must also be effective officer training to enhance LGBTQ sensitivity amongst officers and to eliminate prejudices. And there must be effective complaint mechanisms and disciplining of officers when abuses of power do occur. We also want to make sure that we can have a productive and on-going dialogue with the police at a local and city-wide level. As the people charged with the task of protecting our communities, we must be able to hold them accountable when individuals and groups of people are being falsely profiled and violently targeted by NYPD officers.

The abuses that LGBTQ residents of Jackson Heights face are so serious and grave that steps must be taken to combat this police misconduct immediately. Our community cannot wait any longer. As Elena, one of the members of the LGBTQ Justice Project of MRNY, said in her testimony: "We all deserve to walk down the street freely, being who we are."



Photo Credit: Moeko Nitohbe, 2012

Appendix A: Methodology

Data Collection

This report contains data from 305 surveys collected in 2011 and 2012 by MRNY and AVP. Outreach workers, volunteers and community members collected this information in Jackson Heights through street, bar, and nightclub outreach, within support groups, at community meetings and on the streets. The survey was available to participants in both English and Spanish, allowing us to collect survey data, as well as contact and incident information from survivors who wanted support services or to participate in further community organizing. Sections of the survey allowed participants to share personal accounts of violence. Person-level data allowed us to anonymously analyze multiple facts about one victim or survivor, allowing us to analyze trends in police interaction, such as which identities experienced the most egregious police misconduct.

Data Compilation and Analysis

MRNY compiled the data from all 305 surveys to examine the demographics of the survivors who were surveyed and to identify trends in their experiences of police interaction. MRNY selected statistics for publication based upon their relevance and reliability. In total, seven variables were selected, which helped MRNY focus on the demographics of individuals who had been stopped by the police, and negative police interactions resulting from those stops – those variables were sexual orientation, gender identity, race/ethnicity, experience of police stops, experience of police harassment, experience of police verbal abuse, and experience of police violence. Additional data not included in this report may be available upon request by contacting MRNY. In order to protect survivor confidentiality, not all information will be available to the public.

In the surveys collected, a small number of participants indicated a gender identity that does not fall into the categories of transgender, male, or female. As we wanted to compare the experiences of people with socially normative gender identities and sexual orientations versus those more commonly regarded by society as deviations from the norm, those participants were placed in the category of “Other” (as they did not identify within the normative categories of male or female). Accordingly, their results were grouped with the results from LGBTQ participants creating a data class “LGBTQO”.

A similarly small number of participants indicated a sexual orientation that does not fall into the categories of lesbian, gay, bisexual, queer, or heterosexual. Again, as we wanted to compare the experiences of people with conforming gender identities and sexual orientations versus those more commonly regarded by society as deviating from the norm, those participants were placed in the category of “Other” except where they identified their gender identity as transgender. In the latter instances, those participants’ results were included in the grouping for transgender participants. We did this because we specifically wanted to examine the experiences of transgender participants and to compare them with the experiences of other LGBTQO participants and with non-LGBTQO participants.

For this reason, we have also chosen to use the data grouping “non-LGBTQO” rather the more commonly-used heterosexual. This is because, many transgender participants also identified as heterosexual. Given that the object of this study was to examine the interactions that the Jackson Heights LGBTQ community are having with the police, in particular transgender community members, grouping the experiences of transgender participants with all other heterosexual participants would not have allowed us to achieve our stated aims.

MRNY analyzed the seven variables noted above, with the aim of ascertaining rates of police stops, harassment, verbal abuse, and violence experienced by LGBTQO community members as compared to non-LGBTQO participants. Furthermore, the data was also analyzed to make the same comparisons as between transgender participants and both LGBTQO and non-LGBTQO participants.

The fill-in sections of the survey instrument and additional interviews we conducted were used for the narrative sections of the report. We have changed identifying information and names to ensure the safety and confidentiality of the survivors.

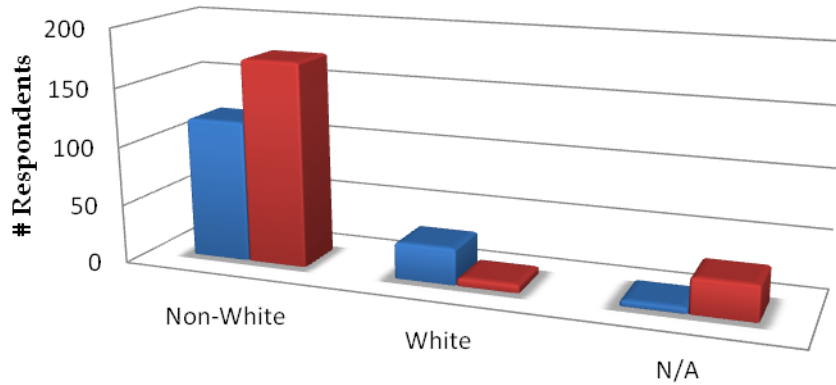
Limitations of the Findings

The vast majority of information in this report derives from Jackson Heights residents surveyed by MRNY and AVP. As noted above, survey participants were found through street, bar, and nightclub outreach; within support groups; at community meetings; and on the streets. Since we only collected surveys from individuals who chose to participate in the aforementioned activities, it is likely that these numbers do not represent all incidents of harassment of and violence against community members in Jackson Heights. This data may particularly omit populations such as individuals arrested for sex work who may not identify as transgender or gender non-conforming; Jackson Heights residents who speak languages other than English or Spanish; Jackson Heights residents who may not know about the services provided by participating organizations; people who have not “come out” as LGBTQ or who are uncomfortable with reporting; people who face other barriers to accessing services or reporting, and people who are not connected to the LGBTQ community.

While the information contained in this report provides a detailed picture of the individual survivors, and is consistent with trends reported across all five boroughs it cannot and should not be extrapolated to represent the overall LGBTQ population’s or general population’s experiences with police in New York City. Our capacity for data collection varied based upon the programs’ staff capacity, existent outreach practices, financial resources, technology, and other factors. Furthermore, these factors meant that the data relied upon in this report was collected over a lengthy timeframe (9 months). Combined with the fact that these surveys were collected solely through organization membership or advocacy services, or through street and nightclub outreach, data collection under these conditions may have led to some incomplete and dissimilar amounts of data for different environments within the data set.

Appendix B: Additional Graphs

Survey Respondents



	Non-White	White	N/A
LGBTQ	120	31	5
Non-LGBTQ	174	7	30

Non-White Respondents

